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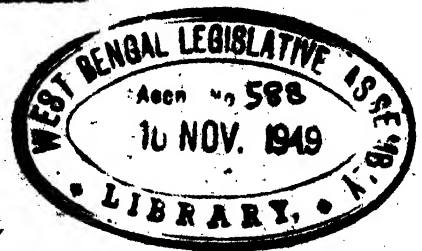
Rules of the High Court of Judicature at Fort William in Bengal



(Seventh Edition)

1936

SECOND IMPRESSION



Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1936

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PREFACE TO THE FIRST EDITION.

After the constitution of the High Court, the Judges by a Rule, dated the 1st January 1865, ordered that "all Rules which at the time of the abolition of the Sudder Court were in force in that Court shall extend, as far as they are applicable, and as nearly as may be, to all proceedings of Appellate Jurisdiction in the High Court, not being cases of appeal from the Ordinary Civil Jurisdiction of that Court except so far as such rules are contrary to Act 24 and 25 Vict., Cap. 104, or to the Letters Patent, or as the same may have been, or shall hereafter be, altered or modified by this Court."

Similarly after the passing of Act X of 1877, the Judges by a Notification, dated the 10th January 1878, ordered that "all Rules of Practice under Act VIII of 1859 and Act XXIII of 1861, issued by the late Sudder Court or by the High Court at Fort William in Bengal which were in force on the 30th September 1877, shall, so far as the same are applicable, be continued as the Rules of the said High Court under Act X of 1877, except so far as the same shall hereafter be altered or modified by the Court."

By section 3 of Act XIV of 1882 all Rules framed under the Acts thereby repealed are continued so far as they are consistent with that Code.

Many of the old Rules have in course of time become obsolete, while others have been superseded by Rules issued by the High Court under the powers vested in it by the Charter, Act 24 and 25 Vict., Cap. 104, by the Letters Patent, and by the Code of Civil Procedure. Still many have remained in force, and, to a considerable extent, have governed the practice and procedure of the High Court in its Appellate Jurisdiction.

PREFACE—*concl'd.*

In 1880, Mr. Belchambers, Registrar of the High Court in its Original Jurisdiction, brought out an edition of the Rules and Orders of the High Court, in which he included the Rules then in force on the Appellate Side. Since the publication of that edition many of the Rules included in it have become obsolete, while many new Rules have been made. The issue of a new and complete edition of the Rules applicable to the High Court in its Appellate Jurisdiction having become necessary, a collection in a codified form was prepared under instructions from the Chief Justice.

All the old Rules were in the first instance collected, material assistance towards this object being afforded by Mr. Belchambers' book referred to above. Obsolete Rules and parts of Rules were then struck out, verbal amendments made where necessary to meet changes in the Law, and in some few instances Rules were framed to embody the existing practice. The Rules were then arranged in a codified form, in chapters, old sets of Rules being broken up so as to bring individual Rules under their appropriate headings.

The Rules thus arranged were, by a resolution of the Full Court, referred to Mr. Justice Prinsep for consideration and revision, and as soon as this revision had been completed, they were laid before the Judges of the Full Court, and considered *seriatim*.

C. M. W. BRETT.

HIGH COURT,

The 31st March, 1891.

PREFACE TO THE THIRD EDITION.

The arrangement of the Rules in the present Edition coincides with that adopted by Mr. Richardson when issuing the Second Edition in 1902. Amendments of, and additions to the Rules up to the 31st December, 1909, have been incorporated, with the necessary consequential modifications and the changes of reference necessitated by the passing of the new Code of Civil Procedure (Act V of 1908) carried out. The orders in Council dealing with Appeals to the Privy Council, which were reproduced in the Edition of 1902, as an Appendix to Chapter IV, have been displaced by the Rules issued under the Order in Council, dated 21st December, 1908; while the headings to and references in several of the Civil Forms in Appendix B have been rendered more comprehensive. The index has been somewhat enlarged.

A. W. WATSON,
On Special Duty.

HIGH COURT,
The 15th March, 1910.

PREFACE TO THE FOURTH EDITION.

The Third Edition being exhausted, the Rules have been reprinted, amendments and additions up to the 31st December, 1913, being incorporated.

Chapter VII in the Third Edition, headed "Appeals from the High Court, Original Jurisdiction," has been omitted from this reprint, as matters relating to such appeals are dealt with on the Original Side and the revised Rules on the subject have been included in the "Rules and Orders" of that Side, 1914. The remaining chapters have been renumbered accordingly.

H. M. VEITCH,
Offg. Registrar.

HIGH COURT,
The 24th April, 1914.

PREFACE TO THE FIFTH EDITION.

Owing to numerous amendments, it has become necessary to reprint the Rules. The present Edition incorporates all amendments and additions up to the end of 1919.

A. A. PATTERSON,
Offg. Registrar.

HIGH COURT,
The 5th February, 1920.



PREFACE TO THE SIXTH EDITION.

The adoption of the method recently suggested by the Privy Council as regards the system of preparation of the records in Civil Appeals has necessitated such an extensive revision of the Appellate Side Rules that it has become necessary to publish a new Edition. In framing the necessary amendments to the portion of the Rules relating to Practice and Procedure, the Judges have examined the Appellate Side Rules as a whole and have revised those which were obsolete or capable of improvement. In certain respects the Rules have been regrouped for the purpose of facilitating reference thereto. Such of the Court's forms as are necessary for the purpose of illustrating the revised Rules have been reproduced at the end of each Chapter. The remaining forms prescribed for use on the Appellate Side of the High Court will be published in the Rules of Business of the Judicial Department and the English Office, respectively.

This Edition of the Appellate Side Rules which incorporates all amendments and additions up to the 18th January, 1922, has been prepared under the supervision of Mr. Justice Mookerjee.

A. A. PATTERSON,
Offg. Registrar.

HIGH COURT,
The 28th March, 1922.



PREFACE TO THE SEVENTH EDITION.

The sixth edition of the Appellate Side Rules was published in 1922. The stock is now exhausted, and it has accordingly been found necessary to reprint the Rules.

In the interval since 1922 there have been very many modifications of the Rules, which have necessitated the issue of a large number of correction slips. In consequence the present volume has become extremely unwieldy, and the inconvenience caused thereby to practitioners, who have occasion to refer to it daily, is considerable.

In the course of the preparation of the new edition the Rules have been reconsidered and certain alterations and additions have been made.

Much of the new matter merely codifies the existing practice in cases for which no specific provision has hitherto been made. It is hoped that the result will be to secure uniformity and to put an end to any uncertainty as to the correct procedure, that may now exist on account of gaps in the Rules.

In some important respects the Rules with regard to the service of notices, the preparation of paper books, and, in general, the procedure for bringing cases to a hearing, have been altered. Amendments however have only been made when past experience has proved them to be essential.

The forms are now set out in two Appendices. Appendix I contains the Civil Forms, and Appendix II the Criminal Forms.

The Chief Justice and Judges desire in conclusion to acknowledge the services of Mr. N. L. Hindley, I.C.S., the former Registrar of the Appellate Side. His initiative and energy are responsible for the project of publishing a new edition. The work was started under his supervision and direction, and he unremittingly devoted himself to it until he left the Court in March, 1935.

E. S. SIMPSON,
Registrar.

The 2nd May, 1936.

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CIVIL.

The 23rd March, 1936.

[Issued by authority of the High Court of Judicature at
Fort William in Bengal.]

The following revised rules of the High Court, Appellate Jurisdiction, framed in supersession of all rules made heretofore in this respect are published for general information.

These rules will come into operation with effect from 1st April, 1936.

(*Vide* "Calcutta Gazette," dated 26th March, 1936—
Part I, page 637.)

Part I.—General Rules.

CHAPTER I.

Business not of a Judicial Character.

The English Committee.

1. There shall be a Standing Committee of the Judges composed of the Chief Justice and at least four other Judges to be appointed from time to time by the Chief Justice, which shall be called the English Committee.

2. The English Committee shall be charged with the control and direction of the subordinate Courts, so far as such control and direction are exercised otherwise than judicially.

3. The English Committee shall have power, without reference to the Judges, generally—

- (a) to dispose of all correspondence within its own Department, urgent in its nature and not of general importance;
- (b) to make recommendations for the appointment of Subordinate Judges, and for the promotion, degradation, or suspension of Subordinate Judges and Munsifs;
- (c) to issue Circular Orders and General Letters to the mufassal Courts; and
- (d) to dispose of any matter which might ordinarily have been dealt with by the Judge in charge of the English Department, and which he may have referred to the Committee for their opinion.

Judge in charge, English Department.

4. One Judge, being a member of the English Committee, shall have executive charge of the English Department, by which is meant the administrative business of the Court on its Appellate Side :

Provided that the Chief Justice may at any time direct that the powers conferred on the Judge in the English Department shall be exercised by two or more Judges of the Court, who shall also be members of the English Committee, and who may apportion the duties of the post between them, subject to the approval of the Chief Justice.

Powers of the Judge in the English Department.

5. Orders on all correspondence and on all returns and statements (not being returns to precepts and judicial orders or explanations called for by particular Judges or Benches) shall ordinarily be passed under his powers, as hereinafter specified, by the Judge in the English Department (or by the Registrar under his superintendence) :

Provided that the sessions statement which is required from each Sessions Judge at the close of every session shall be submitted for the orders of the Judges of the Division Court sitting for the disposal of the Criminal Business or such other Judges as the Chief Justice may direct. This statement will, however, be dealt with by such Judges from the judicial point of view only, and when returned by

ISSUED BY AUTHORITY OF THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.

**Addenda and Corrigenda to the Rules of the High Court, Appellate Side
(Seventh Edition), 1936.**

No. 79.

Pages 2-3, Rule 6, Chapter I—

(i) Insert the words "the following matters, namely," between the word "on" and the dash in line 2.

(ii) Substitute the following for the existing clauses (b) and (c):—

(b) The posting and promotion of, and the grant of leave to, persons belonging to the Subordinate Civil Judicial Service.

(c) Recommendations to Government for the appointment of Assistant Sessions Judges and for the investiture of Subordinate Judges and Munsifs with extraordinary powers, e.g., powers under the Indian Succession Act (XXXIX of 1925), the Land Acquisition Act, etc.

- (b) The leave of Munsifs, recommendations to the Local Government for the transfer of Subordinate Judges and Munsifs, and the nomination of Munsifs, subject to consultation with the Chief Justice.
- (c) Recommendations to Government for the investiture of Subordinate Judges and Munsifs with extraordinary powers, *e.g.*, powers under Act VII of 1889, powers under the Land Acquisition Act, etc., etc.
- (d) Applications and routine references connected with the admission and enrolment of Pleaders and Mukhtars under Act XVIII of 1879. (1)
- (e) All other correspondence not relating to matters judicial, or to orders of other Judges, unless there be, as to any subject, an express rule to the contrary, or unless the importance of the subject may render it, in his opinion, fit to be laid before a greater number of Judges.

Special Committees.

7. A Special Committee may be appointed by the Judges at a meeting of the Full Court, or by the Chief Justice, at any time, to consider and report to the Full Court upon any matter which may be referred to it.

8. Such a Committee shall have power, without reference to the Judges generally, to enter upon and conduct any correspondence which the members may consider desirable, in order to enable them to prepare their report.

Contemplated Legislation.

No. 80.

Page 3, Rule 9, Chapter I—

Substitute the words "Central Government" and "Provincial Government," respectively, for the words "Government of India" and "Local Government" in lines 1 and 2.

(No. 80, Notification No. 1212G., dated the 30th January, 1939.)

and references where the orders required in law and the Court's rules have been duly observed.

development of the law, shall ordinarily be referred in the first instance to Special Committees appointed under Rule 7, consisting of not less than three members.

General.

10. The Registrar, Appellate Jurisdiction, is in administrative control of the offices on the Appellate Side of the Court, and the Officers in immediate charge of such offices are responsible to the Registrar and he to the Chief Justice for their efficient administration. Matters affecting all departments on the Appellate Side, and establishment questions in particular, shall be submitted to the Registrar through the Deputy Registrar.

11. The office rooms of the Court are not open to the public. Information regarding cases shall only be obtained upon filing an application in the form prescribed in Chapter XVI. Advocates may however interview any Gazetted Officer of the Court during office hours on official business. They or their clerks shall also have free access to the proper officials for the purposes mentioned in the schedule appended to this chapter.

11

Page 4, Rule 13, Chapter I—

Cancel the rule and substitute therefor the following:—

"13. (1) When the English Committee has acted under Rule 3 of this chapter the relevant papers shall be laid on the table; and there shall be circulated to all the Judges as soon after each meeting as possible, a notice in which shall be stated the matters which have been laid before the Committee and the manner in which they have been disposed of.

(2) When a Special Committee is appointed under Rule 7 of this chapter, a notice shall be circulated to all the Judges informing them of the appointment, of the names of the members, and of the matters which have been referred to it.

When any matters are pending before such Special Committees, notices shall be circulated fortnightly to all the Judges stating what matters are pending.

If a Special Committee enters upon and conducts any correspondence under Rule 8 of these rules, the relevant papers shall be laid on the table for the information of the Full Court."

(No. 81, Notification No. 63G., dated the 4th January, 1939.)

emanates from the Government or, in other cases, where a Committee or any Judge of the Court considers that action is called for.

(b) The Administration Reports yearly submitted to Government, when passed by the Judges of the English Committee.

(c) Rules which, when published, will have the force

No. 82.

Page 5, Rule 15(d), Chapter I—

Insert the words "or Federal Court" between the words "Privy Council" and "and the High Court" in line 2.

(No. 82, Notification No. 1212G., dated the 30th January, 1939.)
expressly provided for by
Chapter.

(f) All recommendations for the dismissal from office of Judicial Officers.

16. Any individual Judge shall be at liberty to record a separate minute upon any matter that comes before the Full Court for discussion; but no such minute shall be submitted to the Government by the Registrar unless or until it has been circulated to the rest of the Judges.

17. With the notice of a meeting of the English Committee, or of the Full Court, there shall ordinarily be distributed a list setting out the matters for discussion.

18. Except for some special reason, the papers relating to any matter for discussion at a meeting of the Full Court shall be circulated to all the Judges before the day of meeting.

19. The proceedings of all meetings of the Full Court and of the English Committee shall be recorded in books to be kept for that purpose by the Registrar, and shall be at all times open to inspection, when called for by any of the Judges.

Schedule.

(See Rule 11.)

(1) Obtaining an official report from the Stamp Reporter under rule 12 of Chapter V.

(2) Presenting memoranda of appeals, memoranda of objections under Order XLI, rules 22 and 26, Civil Procedure Code, in accordance with rule 14, Chapter V, and getting the Court-fee stamps attached to such memoranda cancelled by the Filing Clerk;

(3) Having Court-fee stamps affixed to miscellaneous applications intended to be presented to the Court or to the Registrar, or

applications for copies, information or inspection cancelled by the Filing Clerk and entered in the Filing Register;

(4) Transacting business connected with the deposit and withdrawal of money, etc. with the Accountant of the Court;

(5) Filing applications for leave to appeal to His Majesty in Council after cancellation of the Court-fee stamps attached to such applications and entry in the Filing Register;

(6) Filing applications for copies and folios with the Superintendent of the Copying Section, and appearing before him when required to do so;

(7) Inspecting records in the Inspection Room and in the presence of the Inspection Clerk;

(8) Filing applications with the Bench Clerks and appearing before them to settle draft decrees;

(9) Filing applications for information and inspection of records with the officers empowered to deal with these matters;

(10) Filing miscellaneous documents not referred to above with the Court-fee Clerk for cancellation of the Court-fee stamps (if any) attached to such documents, and for distribution to the sections concerned;

(11) Receiving manuscripts, receiving and filing proofs of paper-books and filing paper-books;

(12) Translating documents for purposes of paper-books (only such advocates and their clerks as are referred to in rule 37 of Chapter IX of these rules);

(13) Obtaining prescribed forms from the Forms Clerk;

(14) Having oaths and affirmations administered before a Commissioner of Affidavits;

(15) Getting affidavits explained to declarants by Translators No. 83.

Page 6, Chapter I—

Add the following item to the Schedule to Chapter :

"(16) Paying Talabana and other costs."

(No. 83, Notification No. 63G., dated the 4th Janu

CHAPTER II.

ISSUED BY AUTHORITY OF THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.

Addenda and Corrigenda to the Rules of the High Court, Appellate
Side (Seventh Edition), 1936.

No. 101.

ISSUED BY AUTHORITY OF THE HIGH COURT AT CALCUTTA.

Addenda and Corrigenda to the Rules of the High Court, Appellate Side
(Seventh Edition), 1936.

No. 306.

Page 7, Chapter II, Rule 1—

In the proviso (ii) to the Rule, *add* the words "or more" after the word
"three" in line 3.

[No. 306. Notification No. 2988G., dated the 30th April, 1953.
File No. 4R—17 of 1953.]

PAGES 1-6, RULE 1, CHAPTER II—

In the Schedule subjoined to the rule—

(1) For "Rupees 1,000" occurring in the first line of clause (2)
substitute "Rupees 2,000".

(2) Omit the words "and applications for revision under section
115, Civil Procedure Code, in cases up to that value and all Rules
granted on such applications," from clause (2).

(3) Add the following as clause (5) before the Note appearing under
clause (2), namely,—

"(5) Applications for revision under section 115, Civil Procedure
Code, against all orders of Munsifs, and against the orders
of other Judges up to the value of Rupees 2,000 and all
rules granted on such applications."

(4) For "Rupees 1,000" wherever it occurs in clauses (i), (ii) and
(iii) of clause (2) substitute "Rupees 2,000".

(5) Insert the words "and all applications relating thereto" at the
end of clauses (i), (ii) and (iii) of clause (2).

(6) Re-number clauses (3) to (6) as clauses (6) to (7).

(iii) All appeals against orders made in Insolvency proceedings in cases where the property of the insolvent does not exceed Rs. 1,000 in value.

ISSUED BY AUTHORITY OF THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

Addenda and Corrigenda to the Rules of the High Court, Appellate Side
(Seventh Edition), 1938.

No. 7.

PAGE 8, RULE 2, CHAPTER II, PART I—

Instead of the present sub-rule (5), substitute—

“(5) To dispose of all matters relating (i) to the substitution of the heirs of parties provided no question of limitation arises, and (ii) to the representation of minor parties when there is no dispute as to guardian—

ISSUED BY THE AUTHORITY OF THE HIGH COURT OF JUDICATURE

FORT WILLIAM IN BENGAL.

Addenda and Corrigenda to the Rules of the High Court, Appellate Side
(Seventh Edition), 1938.

No. 52.

Page 8, Rule 2 (4), Chapter II, Part I—

At the end of the proviso to this rule *add* the following:—

“A Rule issued by a Judge sitting singly in which there is default in paying process fees, shall be laid before the Judge who issued the Rule, if he is sitting singly and taking Rules at the time the default occurs; otherwise it shall be laid before the Division Bench taking Lawasima matters from the group concerned.”

(No. 52, Notification No. 24G., dated the 3rd January, 1938.)

B. F. LODGE,

Registrar, High Court, Appellate Side

CALCUTTA,

The 29th January, 1938.

Page 8, Rule 2(5), Chapter II, Part I—

Omit the word “and” at the end of clause (i) as inserted by correction slip No. 7, dated the 13th May 1937, and *add* the following after clause (ii) thereof:—

“and (iii) applications under Order XXII, Rule 10, C. P. C., to record an assignment, creation or devolution of an interest during the pendency of an appeal, provided that such assignment, creation or

PAGE 2, RULE 2, CHAPTER II, PART I—

Delete the last 3 lines of sub-rule (6), from the words "except in

(No. 8, Notification No. 6160G., dated the 18th May, 1937.)

require any memorandum of appeal, petition, application or other proceeding, presented to the Court or to the Registrar to be amended in accordance with the procedure or practice of the Court.

(8) To call for records from subordinate Courts.

(9) To dispose of requisitions by subordinate Courts for records and documents.

(10) To receive and dispose of an application for the return of a document.

(11) To require any person or party to file an affidavit with respect to any application or matter in respect of which he has power to exercise any discretion or to make any order.

(12) To stop at his discretion the issue of all or any papers to any person who has failed to pay any fee or charges due to the Court.

(13) To dispose of all applications for copies of records, whether presented by

No. 102.

Pages 8-9, Rule 2, Chapter II—

Insert the words "or to the Federal Court" after the words "to His Majesty in Council" in clauses (14) and (15).

(No. 102, Notification No. 4115G, dated the 4th May, 1940.)

the appellant in an Appeal to His Majesty in Council is not sufficient to defray the cost of preparing the record, and to fix the time within which such further deposit shall be made.

(16) To order payment of the interest accruing on Government Promissory Notes deposited under Order XLV, rule 7, Civil Procedure Code, and to order the refund of any unexpended balance under Order XLV, rule 12, of the Code.

(17) To dispose of all Lawazima reports relating to the preparation of paper-books, and to hear all applications in any of the above matters.

(18) To deal with and have

ISSUED BY AUTHORITY OF THE HIGH COURT OF JUDICATURE AT
WILLIAM IN BENGAL.Addenda and Corrigenda to the Rules of the High Court, Appel
Side (Seventh Edition), 1938.

No. 63.

Page 10, Rule 2, Chapter II—

Delete clause (19) and renumber the subsequent clauses accordingly

(No. 63, Notification No. 13993G., dated the 7th December, 1938.)

and the following to this rule:—

"When, however, an application has to be made to remove a case from the Daily List of a Bench which is not sitting on the day when the application has to be made, or from the 'Blank List' on a day when that list is not being taken, such applications shall be made to the Registrar."

(No. 15, Notification No. 11991G., dated the 14th September, 1938.)
questions or representation under rule 5,
Civil Procedure Code, or to pass final orders on contested applications for the appointment or removal of next friends and guardians *ad litem* :

Provided that the Registrar may refer any matter under this rule to the Court for orders.

The Registrar may delegate his functions under clauses (1), (2), (3), (8), (9), (12) and (13) to the Deputy Registrar or other Officer of the Court, and he may also delegate to any such Officer any other function with which he is vested under Chapters IV and V and VIII to XIII of the Appellate Side Rules, except those referred to in clauses (5) to (7), (10), (11) and (14) to (20) of this Rule.

(21) To deal with all matters relating to the service, non-service and defect of service of the Court's notices in criminal cases.

(22) To deal with all matters relating to the substitution of legal heirs of deceased parties in all criminal cases wherein such substitution may be necessary.

(23) To deal with all defects in *vakalatnamas* in criminal cases.

(24) To deal with applications for copies in criminal cases, where such copies are not ordinarily granted without the permission of the Court.

Page 11, Rule 3, Chapter II, Part I—

And the following to this Rule:—

"All such applications shall be made in writing, on paper of foolscap size with a margin of 2 inches, and shall, if not typewritten, be legibly written."

(No. 17, Notification No. 11991G., dated the 14th September, 1937.)

or on contested applications under Order XXII, Rule 10, C.P.C."

(No. 18, Notification No. 11991G., dated the 14th September, 1937.)

(No. 11, Notification No. 6169G., dated the 18th May, 1937.)

and Chapter shall be performed by a Judge or Judges, and the powers which he is authorised to delegate shall be performed by the Deputy Registrar or other Officer of the Court.

NOTE.—Wherever the words "Deputy Registrar" occur in any of the Appellate Side Rules, they shall be held to include the Deputy Registrar and any other officer of the Court to whom the Registrar may have delegated the authority to exercise the function mentioned in the rule.

5. (a) A Division Court for the hearing of an appeal under section 15 of the Letters Patent from the judgment of a Judge sitting singly on the Appellate Side, who has decided an appeal under the 1st proviso of rule 1 of this chapter, shall consist of two Judges, other than the Judge from whose judgment the appeal is preferred.

(b) In all other cases, a Division Court for the hearing of appeals under section 15 of the Letters Patent from the judgment of a Division Court, sitting on the Appellate Side of the High Court, shall consist of three or more Judges as the Chief Justice may think fit, other than the Judges of the Division Court from whose judgment the appeal is preferred.

(c) A Division Court for the hearing of appeals under section 15 of the Letters Patent from the judgment of a Judge sitting on the Original Side of the High Court, shall consist of two or more Judges as the Chief Justice may determine.

6. References from a Provincial Civil Court shall be heard by the Division Court appointed for the hearing of appeals from the decrees and orders of the Civil Courts of the district in which such Court is situated.

7. References from the Presidency Small Cause Court shall be heard by the Division Court appointed for the hearing of appeals from the High Court in its Original Jurisdiction.

"Add the following as a new paragraph to the Rule:—

"Applications for the issue of orders or writs in the nature of *mandamus*, *prohibition*, *quo warranto* and *certiorari*, or any of them referred to in article 226(1) of the Constitution of India, any direction of the Chief Justice, be made before the Judge on the Original Side taking interlocutory applications or such other Judge as the Chief Justice may appoint, and heard and disposed of by him as a Judge sitting on the Appellate Side and as matters appertaining to the side.

D. 284. Notification No. 6155G., dated the 1st September, 1950. File No. 1P—15 of 1950.]

- (2) a case submitted under section 307 of the Code;
- (3) an appeal under section 476B of the said Code;
- (4) an application for transfer under section 526 of the said Code;
- (5) one relating to an order for execution of a bond, where the person required to execute the bond has gone to prison in default of execution:

Provided further that such Judge may send back any particular case he fit to the Bench taking criminal cases to be disposed of by two Judges, and a Judge sitting singly shall have power to pass a substantive sentence other than or and imprisonment in default."

(No. 123, Notification No. 4396G., dated the 22nd June, 1950. File No. 4R—19 of 1942.)

(2) References from Sessions Judges and Magistrates in cases involving fines only.

(3) Applications, Rules and References in cases relating to—

- (a) Security to keep the peace under section 107 of the Code, unless in consequence of failure to give such security an order of committing a person to imprisonment has been made under section 123.
- (b) Maintenance of wives and children.
- (c) Award of compensation to accused persons.
- (d) Orders under section 514 of the Code by way of forfeiture of bail bonds.
- (e) Orders under section 517 for the disposal of property regarding which an offence has been committed.
- (f) Orders under section 519 for payment to innocent purchasers of money found on the accused.

10. A Division Court for the hearing of applications relating to, or arising out of, proceedings in any subordinate Court (Civil, Criminal or Revenue) under section 195 or section 476, Criminal Procedure Code, shall consist of two Judges.

11. (1) Whenever the Court shall be of opinion that there are reasonable grounds for holding that any Pleader or Mukhtar has been guilty of any misconduct rendering

such Pleader or Mukhtar liable to be dealt with under the provisions of the Legal Practitioners Act, XVIII of 1879, the Court may institute a proceeding by the issue of a Rule calling on such Pleader or Mukhtar to show cause why he should not be so dealt with.

(2) Any proceeding taken in the High Court against any Pleader or Mukhtar under the provisions of sections 12 and 13 of the Legal Practitioners Act, XVIII of 1879, as amended by Acts IX of 1884 and XI of 1896, and any report made against any Pleader or Mukhtar to the High Court under the provisions of section 14 of the same Act by the presiding Officer of any subordinate Court, or of any Revenue Office, in which the Pleader or Mukhtar is practising, shall, subject to any direction by the Chief Justice, be taken before, or considered by, the Division Bench of the

No. 280.

Page 13, Chapter II, Rule 14—

Insert the following as Rule 14A:—

"14A. (1) All cases transferred to the High Court by subordinate courts under article 228 of the Constitution of India shall after service of notice on the parties, be laid before the Division Court presided over by the Chief Justice for determination whether such cases involve a substantial question of law as to the interpretation of the Constitution. All applications under the said article for transferring such cases to the High Court shall also be moved before the Bench presided over by the Chief Justice.

Annas 2.

to be nominated by the Chief Justice and the procedure laid down by the Code of Civil Procedure and the Criminal Procedure Code for the hearing of cases transferred from districts to the High Court for disposal will be followed."

[No. 280. Notification No. 3886G., dated the 14th June, 1950. File No. 1P—15 of 1950.]

No. 103.

Page 13, Rule 14, Chapter II—

Insert the words "and Federal Court" after the words "Privy Council" in the first line.

(No. 103, Notification No. 4115G., dated the 4th May, 1940.)

15. Every petition under Order XLV, rule 2, Civil Procedure Code, in respect of any decree passed by this Court in its Appellate Jurisdiction in the case of an appeal from the Original Jurisdiction, shall be presented to the Division Court for the hearing of appeals from the Original Jurisdiction, but every such petition may be heard by a Division Court consisting of two Judges.

16. (a) The time within which a decree of a District Court may not, under section 17 of the Indian Divorce Act, be confirmed shall be six months from the pronouncing thereof.

(b) Rules 3, 4, and 5 of Order 46, Civil Procedure Code, shall apply to References under section 9 of the Indian Divorce Act, and the practice and procedure for the setting down of such references for hearing shall be the same as obtains in the case of References made under section 113 and Order 46 of the said Code. provided

ISSUED BY AUTHORITY OF THE HIGH COURT OF JUDICATURE AT FORT

WILLIAM IN BENGAL.

Addenda and Corrigenda to the Rules of the High Court, Appellate Side (Seventh Edition), 1938.

No. 59.

Page 14, Chapter II, Part I—

Add the following Rule at the end of Chapter II—

“17. Appeals from orders of the Calcutta Improvement Tribunal, shall be heard by the Division Bench for the time being hearing appeals from original decrees other than decrees of the High Court in its Original Civil Jurisdiction.”

(No. 59, Notification No. 4670G., dated the 12th April, 1938.)



CHAPTER III.

Distribution of Judicial Business.

1. The ordinary Appellate Civil Jurisdiction of the High Court shall be divided into Groups of Districts.

2. The following shall be the Groups :—

Group I.	Group II.	Group III.	Group IV.
24-Parganas. Nadia. Jessore. Khulna. Murahidabad.	Burdwan. Hooghly. Bankura. Midnapore. Birbhum.	Rajshahi. Rangpur. Dinajpur, Jalpaiguri and Darjeeling. Pabna and Bogra. Tippera. Noakhali. Chittagong.	Dacca. Faridpur. Bakarganj. Mymensingh. Assam Valley Districts. Sylhet. Cachar.

3. The Civil business arising from the Districts of each Group shall be laid before the Division Court appointed by the Chief Justice to deal with such business :

Provided that when an order under Order XLI, rule 25 or 28, Civil Procedure Code, has been passed by a Division Court, and at the time of the receipt of the return to such order, the Judges composing such Court are not in charge of the Group to which the appeal belongs, such appeal shall be laid before the senior, or in his absence the junior, of such Judges, and he shall direct either that the

No. 275.

PAGE 15, CHAPTER III—

- I. (i) *Delete* rules 1 and 2 and *renumber* rules 3, 4 and 5 as 1, 2 and 3
(ii) *Delete* the words "of each group" in lines 1 and 2 of rule 1 as re-numbered.
(iii) *Substitute* the words "taking such matters" for the words "in charge of the Group to which the appeal belongs" in lines 4 and 5 of the proviso to rule 1 as renumbered.
(iv) *Substitute* the words "such matters" for the words "the Group to which the appeal belongs" in lines 12 and 13 of the proviso to rule 1 as re-numbered.

II. *Delete* references to Groups wherever they may occur in the rules.

[No. 275—Notification No. 9713G., dated the 29th December, 1949.
File No. 4B—43 of 1949.]

Part II.—Procedure and Practice.

CHAPTER IV.

General Rules for Applications and Affidavits.

Applications.

1. Applications to the High Court shall be made by petitions written in the English language.

NOTE.—In the subjoined Schedule will be found a list specifying applications, verified or unverified, on which court-fee stamps of Rs. 2 are necessary.

Schedule.

Applications relating to the following matters should bear a court-fee stamp of Rs. 2.

Subject.	Details.	Under what rule.	Whether affidavit necessary.
Court-fees ..	1. Refund of court-fees paid in excess.	Section 13, Court-fees Act. Rule 2(4), Chapter II, of these Rules.	Affidavit not necessary.
	2. Time to put in requisite court-fee and re-filing of Memo. of Appeal after period of limitation.	Clauses (3), (4) and (5) of rule 18, Chapter V of these Rules.	Affidavit necessary.
Minors ..	3. Substitution of parties (including minors).	Order XXXII, rules 3(3) and 4(7) Civil Procedure Code, and rule 2(5), Chapter II of these Rules.	Ditto.
	4. Appointment of guardians <i>ad litem</i> .	Order XXXII, rule 3(3), Civil Procedure Code, and rule 2(6), Chapter II of these Rules.	Ditto.
	5. Amendment of Memo. of Appeal on a minor attaining majority.	Rules 26 and 28, Chapter V of these Rules.	Affidavit necessary except in case of application by appellant when based on affidavit already filed by respondent.
	6. Cancellation of Deputy Registrar's appointment as guardian <i>ad litem</i> .	Order XXXII, rule 11 Civil Procedure Code, and rule 2(6), Chapter II, read with rule 29, Chapter V of these Rules.	Affidavit necessary.
Notice ..	7. Substituted service	Order V, rule 20, Civil Procedure Code, and rule 2(4), Chapter II of these Rules.	Ditto.
Notice forms and fees.	8. Enlargement of time for the filing of notice forms and fees.	Rule 12, Chapter IV and rule 26(b), Chapter V of these Rules.	Affidavit may be directed to be filed.

Subject.	Details.	Under what rule.	Whether affidavit necessary.
Paper-book ..	9. Revision of lists by appellants or respondents.	Rules 8 and 21, Chapter IX and rule 2(17), Chapter II of these Rules.	Affidavit not necessary; if agreed to by the opposite party.
	9 (a) Enlargement of time for the deposit of initial cost.	Rule 34 read with Rule 26 (6), Chapter V of these Rules.	Affidavit necessary when directed.
	10. Enlargement of time for filing lists.	Rules 8 and 16, Chapter IX of these Rules.	Affidavit not necessary.
	11. Respondent requiring appellant to include any papers in the appellant's list.	Rule 28, Chapter IX and rule 2(17), Chapter II of these Rules.	Ditto.
	12. Authorisation of another Advocate by the Government Pleader to prepare the paper-book on his behalf.	Rules 8 and 24, Chapter IX and rule 2(17), Chapter II of these Rules.	Ditto.
	13. Assistance of another Advocate in the preparation of the paper-book when required by an Advocate who	Rule 27(e), Chapter IX and rule 2(17), Chapter II of these Rules.	Ditto.

No. 64.

necessary if

Page 18, Rule 1, Chapter IV—

Omit the words and figures "Rule 34 (2) (a), Chapter V and Rules 8 and 59" in column 3 of item 15 of the Schedule to this Rule and substitute therefor the following:

No. 104.

Page 18, Schedule to Rule 1, Chapter IV—

Insert the following after the entries in respect of item 19, under the heading "Paper-book":—

Federal Court ..	19A. Transmission of orders of Federal Court to lower courts for execution and for preparation of certificates of costs.	Rule 6, Chapter VIA of these Rules read with Article 1 of Schedule II of the Court-fees Act.	Affidavit necessary.	not
	19B. Acceptance of securities other than cash or Government securities.	Rule 30, Chapter VIA of these Rules.	Affidavit necessary.	not neces-
	19C. Refund of securities.	Article I of Schedule II of the Court-fees Act.	Affidavit not necessary.	necessary.
	19D. Conversion of securities from one form to another.	Note to Rule 30, Chapter VIA of these Rules.	Ditto.	not neces-
	19E. Exclusion from or inclusion in transcript record to Federal Court of papers.	Rule 22(3)(b), Chapter VIA of these Rules.	Ditto."	

(No. 104, Notification No. 4320G., dated the 9th May, 1940.)

Subject.	Details.	Under what rule.	Whether affidavit necessary.
Records ..	25. Return of documents.	Rule 9(18), Chapter II.	Affidavit not necessary.

No. 18.

Page 19, Rule 1, Chapter IV, Part II—

Add the following proviso to item 27, column 2 of the Schedule:—

“Provided that an application for calling for a record or what was already made a part of a record of the case which has given rise to the proceedings in this Court in connection with which the application is made need not bear a stamp.”

(No. 18, Notification No. 11991G., dated the 14th September, 1937.)

General ..	29. Exemption from production of more than one copy of the judgment in analogous appeals and from payment of a separate set of estimating fee for applications for leave to appeal to His Majesty in Council filed by the same party against the same judgment of this Court.	Order XXII, rules 3 and 4, Civil Procedure Code, Chapter V, rule 2(18), Chapter II and Rule 11, Chapter VI, of these Rules	Affidavit necessary.
	30. Cancellation of Vakalatnama.	Rule 71, Chapter V of these Rules.	Affidavit necessary unless Advocate who accepted the Vakalatnama signifies his willingness to retire from case.
	31. Amendment of Memorandum of Appeal consequent on the death of a party including a party whose	Order XXII, rules 3 and 4, Civil Procedure Code, and rule 26, Chapter V, read with rule 2(7), Chapter II, of these	Affidavit necessary.

No. 19.

Page 19, Rule 2, Chapter IV, Part II—

After Rule 2 insert the following as Rule 2A:—

“2A. Every application for revision shall be produced before the Commissioner of Affidavits at the time an affidavit in support of it is made, and that officer shall satisfy himself that the application is sufficiently stamped and shall certify accordingly.”

(No. 19, Notification No. 11991G., dated the 14th September, 1937.)

Bench Clerk concerned at least 24 hours before the sitting of the Court before which it is proposed to move the application, or of the Registrar if the application is entertainable by him. Such applications shall be listed for hearing on the next motion day. No such application which has not been duly listed will be entertained by the Court or the Registrar, unless in the special circumstances of the case the Court or the Registrar otherwise directs.

4. Every application to the High Court, if founded on any statement of fact, shall set out the material facts, matters and circumstances on which the applicant relies.

ISSUED BY AUTHORITY OF THE HIGH COURT OF JUDICATURE AT FORT WILKINSON
IN BENGAL.

Addenda and Corrigenda to the Rules of the High Court, Appellate Side
(Seventh Edition), 1936.

No. 141.

Page 20, Rule 8, Chapter IV—

Insert the following note under the rule:—

“NOTE.—Until further orders applications may be typed on both sides of the paper.”

(No. 141, Notification No. 7851G., dated the 12th September, 1942.—File No. 1M—247 of 1942.)

8. Every application shall be signed and dated either by the applicant or declarant or his Advocate.

9. It will not be necessary to set out in the application or in the affidavit any document which is part of a record present in the High Court; nor will it be necessary to produce any affidavit of any facts found by the High Court or any of the Lower Courts in the course of the suit or proceeding out of which the appeal arises: provided that such finding has not been reversed on appeal; but the application shall state shortly all facts upon which it is intended to rely, and shall give the number, letter, title or other description of all documents on the record present in the High Court, to which it is intended to refer.

10. In the case of an application relating to a matter which is or has been before the High Court, the High Court file, together with the application, shall be placed before the Court or the Registrar at the time of the hearing of the application. When the applicant desires that any documents in a record present in the High Court other than those contained in the High Court file, shall be produced at the hearing in order that they may be referred to by the Court, he shall at the time of filing the application give notice to produce them to the Bench Clerk concerned. Unless by a special order of the Court or the Registrar, documents will not be produced from the record-room or the office during the sitting of the Court.

14. In all cases in which service of notice on the opposite party is necessary, if such notice has not been duly served the hearing of the application shall be postponed.

ISSUED BY AUTHORITY OF THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.

Addenda and Corrigenda to the Rules of the High Court, Appellate
Side (Seventh Edition), 1936.

No. 112.

Page 21, Rule 12, Chapter IV, Part II.—

Add the following to the rule:—

“Provided further that in cases in which the Court fixes a returnable date, the fee for the issue of the notice shall be paid into Court by the end of the day following that on which the application is granted. If such fee is not deposited within the time stated in this proviso, the petitioner shall, at the time of depositing the fee, supply therewith the necessary number of copies of the petition and its enclosures.

NOTE.—In fixing a returnable date, time should be allowed for making the necessary number of copies of petitions and enclosures and the following minimum period of time for service of notice:—

- (1) Five days within the municipalities of Calcutta and Howrah,
- (2) Ten days within the other districts of Bengal, and
- (3) Fifteen days within the districts of Assam.”

(No. 112, Notification No. 8022G., dated the 30th August, 1940.

File No. 4R—25 of 1940.)

15. No affidavit shall ordinarily be read at the hearing of any appeal, application or other proceeding unless a copy thereof has been served upon the other party or his Advocate 24 hours before such hearing:

Provided that this rule shall not apply to urgent motions or applications or to motions or applications made *ex parte*.

16. Every application for stay of execution under Order XLI, rule 5, Civil Procedure Code, shall specifically state that it is made under that rule, and it shall be accompanied by an affidavit stating specifically the facts upon which the application is based; the date of the decree or order the stay of execution of which is desired; the date of the order, if any, for execution or sale; the date, if any, fixed for the sale: and the facts necessary to enable the Court to be satisfied of the matters mentioned in Order XLI, rule 5, sub-clause (3) of the Code.

17. Every application for security under Order XLI, rule 6 or 10, shall state specifically under which rule it is made, and shall be accompanied by an affidavit stating specifically the facts upon which the application is based.

18. Every application for the re-admission or restoration of an appeal or application, dismissed for default of appearance, shall be accompanied by an affidavit stating the circumstances in which such default was made, and whether or not the party whose appeal or application was dismissed had, previously to such dismissal, engaged an Advocate to conduct the appeal or application.

19. Every application for an order to a subordinate Court to forward any record, document or paper shall state—

(a) the Court in which such record, document or paper is;

(b) the record in which such document or paper is;

(c) the date of the document or paper;

(d) such other information as may be necessary for the purpose of identifying such record.

NO. 20.

Page 22, Rule 20, Chapter IV, Part II—

Add the following proviso to the Rule:—

“Provided that an application for calling for a record or what was already made a part of a record of the case which has given rise to the proceedings in this Court in connection with which the application is made need not bear a stamp.”

(No. 20, Notification No. 11991G., dated the 14th September, 1937.)

Affidavits.

21. Every affidavit to be used in a Court of Justice shall be entitled “In the Court of
at _____,” naming such Court.

22. If there be a cause in Court, the affidavit in support of, or in opposition to, an application respecting it shall also be entitled in the cause.

23. If there be no cause in Court, the affidavit shall be entitled “In the matter of the petition of _____.”

24. Every affidavit containing any statement of fact shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct portion of the subject.

25. Every person, other than a plaintiff or defendant in a suit in which the application is made, making any affidavit, shall be described in such a manner as will serve to identify him clearly, that is to say, by the statement of his full name, the name of his father, his profession or trade, and the place of his residence.

26. When the declarant in any affidavit speaks to any fact within his own knowledge, he shall do so directly and positively using the words "I affirm (or 'make oath') and say."

27. When the particular fact is not within the declarant's own knowledge, but is stated from information obtained from others, the declarant shall use the expression "I am informed," and if such be the case, should add "and verily believe it to be true," and he must also state the source from which he received such information. When the statement rests on facts disclosed in documents or copies of documents procured from any Court of Justice or other source, the deponent shall state what is the source from which they were procured, and his information or belief as to the truth of the facts disclosed in such documents. Copies of documents (other than those on the record of the case) to which it is intended that reference should be made at the time of hearing shall be annexed to the affidavit and shall be marked as an exhibit and shall bear the certificate of the Commissioner before whom the affidavit is made.

28. Every person making an affidavit, if not personally known to the Commissioner, shall be identified to the Commissioner by some person known to him, and the Commissioner shall specify at the foot of the application or of the affidavit (as the case may be) the name and description of him by whom the identification is made, as well as the time and place of the identification, and of the making of the affidavit. Every *pardanashin* woman verifying an application or making an affidavit in the manner specified in the preceding rules and every such application or affidavit shall be accompanied by the affidavit of identification of such woman made at the time by the person who identified her.

29. If any person making an affidavit shall be ignorant of the language in which it is written, or shall appear to the Commissioner to be illiterate, or not fully to understand the contents of the affidavit, the Commissioner shall cause the affidavit to be read and explained to him in a language

which both he and the Commissioner understand, either doing so himself, or causing another person to do so in his presence. When any affidavit is read and explained as herein provided, the Commissioner shall certify in writing at the foot of the affidavit that it has been so read or explained, and that the declarant seemed perfectly to understand the same at the time of making the affidavit.

30. In administering oaths and affirmations to declarants, the Commissioner shall be guided by the provisions of the Oaths Act, X of 1873. The following forms are to be used :—

Oath.

I swear that this my declaration is true, that it conceals nothing, and that no part of it is false, so help me God.

Affirmation.

I solemnly declare that this my declaration is true, that it conceals nothing, and that no part of it is false.

31. If an officer of the Court has been appointed a Commissioner to administer oaths or affirmations and also to interpret affidavits filed under this Chapter, the following form of affirmation should be used :—

“Solemnly affirmed before me this day. I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.”

32. *Fees.*—No fee is allowed for taking affidavits or affirmations in the Court house, but fees are allowed to Commissioners for taking such affidavits or affirmations elsewhere. [See Note 4 to Rule 7, Chapter XII, page 132.]

33. (i) No document being an exhibit to an affidavit or verified petition or forming the materials for any application shall be given back unless the document be an original document in which case it may be taken back on an order of the Registrar, a certified copy of the original document being retained in the file.

NOTE.—The order of the Registrar referred to in clause (i) above shall be passed on a stamped application made to him accompanied with a certified copy of the document the return of which is applied for.

(ii) When any such document is itself a certified copy it shall not be returned. Provided that the Registrar may, in exceptional cases, and upon an application supported by an affidavit setting out the grounds upon which the return is asked for, order the return thereof upon such conditions as he thinks fit.

**NOTES BY THE ADVOCATE OF THE HIGH COURT OF CALCUTTA
AMENDMENTS TO THE RULES OF THE HIGH COURT, APPELLATE SIDE
(SEVENTH EDITION), 1956.**

No. 326

Page 25, Chapter V, Previous to Rule 2(f) (as inserted by Slip No. 1)—

For the words "file" and "filed" in lines 10 and 11 substitute the words "make" and "made", respectively.

[No. 326, notification No. 4471G, dated the 17th July, 1956. File No. 4R—66 of 1954.]

No. 327

Page 25, Chapter V, Rule 2(h) (as inserted by Slip No. 276)—

At the end of the clause add the following :—

"Any omission to make this note shall be forthwith reported to the Registrar for orders."

[No. 327, notification No. 4471G., dated the 17th July, 1956. File No. 4R—66 of 1954.]

No. 328

Page 25, Chapter V—

After the "Note" to Rule 2 insert the following as Rule 2A :—

"2A In the case of First and Second Appeals from decrees in which the note given in the memorandum of appeal by the filing Advocate under clause (h) of Rule 2 of this Chapter, discloses that the number of respondents to the appeal who did not appear in the lower court is five or more, excluding minor or lunatic respondents, the office shall put up the same on the Lawazima List of the Registrar immediately or as soon as possible after the registration of the First Appeal, or after the admission of the Second Appeal under Order 41, Rule 11 of the Civil Procedure Code, 1908, as the case may be, with the necessary office note, so that the Registrar may, in exercise of his powers under Rule 2(26) of Chapter II of these Rules, pass *suo motu* the order under Order 41, Rule 14(3) of the Civil Procedure Code in the presence of the Advocate for the appellant, for dispensing with service of notice of appeal on the respondents who had not appeared in the court below."

[No. 328, notification No. 4471G, dated the 17th July, 1956. File No. 4R—66 of 1954.]

**HIGH COURT,
APPELLATE SIDE,
CALCUTTA;
The 13th September, 1956.**

**By order of the High Court,
K. C. SEN,
Registrar.**

Page 26, Rule 3, Chapter V, Part II—

Add the following after the Rule:—

"In such a case only one application is necessary."
(No. 22, Notification No. 11991G., dated the 14th September, 1937.)
In one case, the Registrar may dispense with the production of more than one copy of the judgment.

4. In the case of—

(1) appeals from orders of the Lower Appellate Courts remanding cases for re-trial; and

(2) appeals from the orders of the Lower Courts made on remand by the High Court,

there shall be added at the foot of every memorandum of appeal a note to the following effect:—

NOTE.—This appeal is from an order of the Lower Appellate Court, dated , remanding the case for re-trial under section Civil Procedure Code.

Or,

This appeal is from an order of the Lower Appellate Court (or the Court of First Instance, as the case may be) made on remand by the High Court, in Appeal No. of , dated the , in which this appellant was appellant or respondent (as the case may be).

5. In the event of any omission on the part of the Advocate to append to the memorandum of appeal a note in the terms required by rule 4, it shall be the duty of the Registrar to bring such omission to the notice of the Division Court before which the appeal is pending, and it will be for the Division Court to decide whether, as a penalty for such omission on the part of the Advocate, any costs to which his client may otherwise become entitled should not be withheld.

6. A memorandum of appeal to the High Court against the decree or order passed in appeal by any Court subordinate to it shall be accompanied by copies of the judgment and decree or order of both the Lower Courts, and, if filed by an Advocate of the High Court shall bear a certificate under his hand at the foot of the petition in the following form:—

I, A B Advocate for the abovenamed do hereby certify that, in my judgment, the ground (or if there be several, each of the grounds) of appeal in the above petition presented by me on behalf of the said is a good ground of second appeal.

Dated, the day of .

Provided that in the case of an appeal against a decree or order passed after remand by this Court, copies of judgment or decree of the lower Courts passed before the case was remanded need not be furnished.

7. Every party who files an appeal in person shall insert in his memorandum of appeal, or otherwise give in writing to the Deputy Registrar, an address at which notices and other processes in the appeal may be served upon him; and any notice or other process sent to such address by registered letter shall be presumed to have been duly served upon such party.

8. No memorandum of appeal from an Appellate Decree or from an Original or Appellate Order presented in person by any party to the appeal shall be registered without an order of the Division Court before whom the party presenting the appeal shall appear in person.

9. In the case of an application for revision, the application shall be — **No. 23.**

Page 27, Rule 9, Chapter V, Part II—

Insert the following at the commencement of the note to the Rule:—

“Except in applications to be heard by a single Judge” and *convert* the capital “T” into a small “t” in the word “Together”.

(No. 23, Notification No. 11991G., dated the 14th September, 1937.)

the copies of the judgment, decree or order of the Court of First Instance.

NOTE.—Together with the application shall be filed duplicate type written copies of the application and the judgments or orders filed with such application.

10. (1) When a memorandum of appeal is not in proper form and/or is not accompanied by the necessary copies of papers, the Registrar may allow time within **No. 62.**

Page 27, Rule 10(2), Chapter V, Part II—

After the words “appealed from” in line 3 of the Rule *insert* the following:—

“and, in the case of appeals from Appellate Decrees or Orders, copies of the judgment and decree or order of the Court of first instance,”

(No. 62, Notification No. 6367G., dated the 30th May, 1938.)

B. F. LODGE,

Registrar.

HIGH COURT,

APPELLATE SIDE.

The 31st May, 1938.

11. If in a memorandum of appeal the ground is taken that there is in fact on the record no evidence or admission to support the decree, such memorandum shall state sufficiently the material finding in support of which there is no evidence or admission on the record.

12. Except as provided in rule 13 of this Chapter, no memorandum of appeal, no memorandum of objection under Order XLI, rule 22 or 26, Civil Procedure Code, no application for review, and no application for leave to appeal *in formâ pauperis* shall be presented for admission unless the same bears an office report as to limitation of time; and, when a stamp is required, as to the sufficiency or otherwise of the stamp; or, in the case of a stamp of which the sufficiency cannot be ascertained, that the report as to the sufficiency of the stamp will be made on the receipt of the record or after further enquiry. Such report shall ordinarily be endorsed on the memorandum or application and returned by the Stamp Reporter before 4 p.m. on the day on which such memorandum or application was made over to the Stamp Reporter for examination.

In cases in which it may not be possible for the Stamp Reporter to return the memorandum of appeal or application on the day on which such memorandum or application was made over to him for examination, the time taken by the Stamp Reporter in preparing his report shall be excluded from the prescribed period of limitation :

Provided that if the Stamp Reporter on examination certifies that the memorandum or application is not barred by limitation, is sufficiently stamped and complies with the provisions of these Rules, the date on which such memorandum or application was made over to the Stamp Reporter for examination, shall be deemed to be the date of presentation to the Deputy Registrar or such other officer as the Registrar may appoint under rule 14 of this Chapter.

• 13. On the first day on which the High Court re-opens after the annual long vacation a memorandum of appeal or objection under Order XLI, rule 22 or 26, may be presented to the Deputy Registrar or such other officer as the Registrar may appoint for the purpose, and an application for leave to appeal *in formâ pauperis* may be presented to the Division Court, without the office report, as required by the preceding rule :

Provided that all memoranda of appeal or objection as aforesaid which are presented for admission on the re-opening date after the High Court's annual vacation shall be dealt with in accordance with the provisions of rule 18 of this Chapter, after the Stamp Reporter has recorded his report.

14. Every memorandum of appeal (other than a memorandum of appeal from an Appellate Decree filed by a party to the appeal in person) or memorandum of objection under Order XLI, rule 22 or 26, Civil Procedure Code, shall be presented in the High Court to the Deputy Registrar or such other officer as the Registrar may appoint for the purpose by the appellant in person, or by his recognised agent, or by an Advocate appointed under the provisions of Order III, rule 4, Civil Procedure Code, or by some person appointed in writing by such advocate to present the same :

Provided that any such memorandum, which bears a report of the Stamp Reporter to the effect that the prescribed period of limitation has expired, shall be presented direct to the Division Court.

Ma-24
No. 255.

Page 29, Chapter V, Rule 15—

Add the following after the Rule:—

"15A. Applications for the issue of orders or writs in the nature of *mandamus, prohibition, quo warranto* and *certiorari* or any of them referred to in article 226(1) of the Constitution of India, outside the Original Jurisdiction of the Court referred to in the

No. 1P—15 of 1950.]

16. Applications for leave to appeal *in forma pauperis* shall be presented with the report of the Stamp Reporter in open Court to the Division Court concerned in accordance with the provisions of Order XLIV, Civil Procedure Code.

17. The officer to whom a memorandum is presented under rule 14 of this Chapter shall endorse on every such memorandum the date of presentation and shall send the

Amendment and Revision to the Rules of the High Court
(Seventh Edition), 1938.

um is
and

No. 57.

Pages 29-30, Rule 17, Chapter V, Part II—

Cancel Rule 17 and substitute therefor the following :—

"17. The officer to whom the memorandum is presented 14 of this Chapter shall endorse on every such memorandum its presentation and shall send the same to the Stamp Reporter. Reporter, if the memorandum is not barred by limitation and is stamped and complies with the provisions of these rules, shall rec to that effect and shall, after the Officer-in-charge of the Judicial has scrutinised the memorandum and has satisfied himself that have been properly punched and defaced under the rules and that no obvious defects,

(a) in the case of an appeal from an Original Decree and an appeal under the Workmen's Compensation Act, admit it and cause it to be registered and issue notice to the respondent,

(b) in the case of an appeal from an Appellate Decree or an appeal from an Order, other than an appeal under the Workmen's Compensation Act, admit it, cause it to be registered, and posted to a Bench for hearing under Order XLI, Rule 11, Civil Procedure Code, and

(c) in the case of a memorandum of objection under Order XLII, 22 or 26, Civil Procedure Code, admit it and cause it to be registered.

Notes.—The scrutiny of the Officer-in-charge of the Judicial Department under Rule shall also include an examination of at least 5 per cent. of the memoranda submitted to him with a view to seeing whether the report as to sufficiency of stamps is correct.

(No. 57, Notification No. 1419G., dated the 3rd February, 1938.)
The Registrar, as Licensing Officer, for his decision as to the court-fee payable, and the Registrar shall pass an order accordingly and fix a period within which the requisite court-fee must be paid.

If the requisite fee is not paid within the period fixed, the case shall be laid before the Division Court for orders.

(2) If the Stamp Reporter, on a memorandum being presented to him, finds that it has been insufficiently stamped, he shall make a note thereon as regards the deficiency and shall return it, with as little delay as possible, to the Advocate or the party presenting it. If the Advocate or the party refuses it having supplied the deficit court-fees, within the prescribed period of limitation, the Stamp Reporter shall record a note to that effect on the memorandum which shall then be admitted.

(3) The Advocate or the party to whom a memorandum is returned under clause (2) may apply to the Registrar for time to put in the requisite court-fee. On such application being made the Registrar, if he is satisfied that the insufficiency of the court-fee was due to a mistake on the part

of the applicant as to the court-fee payable, may fix a period within which the additional court-fee must be paid. In other cases or when the requisite fee is not paid within the period fixed, the Registrar shall lay the matter before the Division Court for orders.

(4) If a memorandum which has been returned under clause (2) and for filing which no time under clause (3) has been fixed is refiled, sufficiently stamped, after the period of limitation has expired, it shall be presented direct to the Registrar and the latter may pass an order for the admission thereof or lay it before the Division Court for orders according as, in his opinion, a case as to mistake as referred to in clause (3) has been made out or not.

(5) An application made under clause (3) or a memorandum of appeal refiled under clause (4) must be accompanied by an affidavit explaining the insufficiency, unless the insufficiency is due to a mistake which is apparent on the face of the papers filed.

19. The Stamp Reporter or the Bench Clerks, as the case may be, must see that section 30 of the Court-fees Act is strictly complied with and that no document requiring any court-fee stamp is filed or acted upon in any proceeding either before the Court or in its offices, until the stamp has been effectively cancelled.

20. In any case in which a memorandum has been returned for amendment under the orders of the Registrar, it shall be the duty of the Deputy Registrar to attest the amendment by his signature.

21. If a memorandum bears a note that a report as to the sufficiency of the stamp will be made on the receipt of the record, the Deputy Registrar or such other officer as the Registrar may appoint shall note thereon the date of presentation and shall retain it pending the receipt of the report.

22. Every memorandum retained under the provisions of rule 21 shall, immediately after the receipt of the record, be examined by the Stamp Reporter, who shall endorse on it his report as to the sufficiency of the stamp and shall thereupon proceed in the manner provided in rules 17 and 18 above.

23. Whenever the Stamp Reporter finds that a document which ought to bear a stamp under the Court-fees Act, 1870, has been through mistake or inadvertence

received, filed or used in the Court without being properly stamped, he shall report the fact to the Advocate who presented such document. Such Advocate shall at once initial the report and shall within one week thereafter, or within such further time as the Taxing Officer may allow, note on it whether he accepts or disputes the accuracy thereof. If such note is not made within such time, it shall not be open to such Advocate to dispute the accuracy of the report.

NOTE.—The Honourable the Chief Justice has been pleased to declare that the Registrar of the High Court, in its Appellate Jurisdiction, shall be the Taxing Officer within the meaning of section 5 of the Court-fees Act, VII of 1870, for the Court in its Appellate Jurisdiction.

24. If a memorandum which has been dealt with under rule 18 above is duly stamped or amended under rule 20 within the time fixed by the Registrar or the Court, as the case may be, the Registrar or the Court shall admit it and cause it to be registered. If such memorandum is not duly stamped or amended within the time allowed, the Court may reject such memorandum or pass such other order relating thereto which it may consider proper.

25. An application supported by an affidavit shall be filed for an order for amendment of the memorandum of an appeal consequent on the death of a party including a party whose heirs are already on the record:

Provided that where such amendment relates to a matter in respect of which an order has already been obtained in the court below but has not been incorporated in the decree of that court, no application shall be necessary but an affidavit setting out the particulars will be sufficient.

26. If a respondent who was described as a minor in the decree to be appealed from has attained majority before the appeal is preferred, and the appellant impleads him as a major in the memorandum of appeal, the same shall be accompanied by an affidavit stating the said fact.

27. Where the Deputy Registrar is appointed

No. 26.

Page 32, Rule 27, Chapter V, Part II—

Substitute the figures "21" for the figures "15" in the fifth line of the Rule.

(No. 26, Notification No. 11991G., dated the 14th September, 1937.)
 and shall within the same time as in Court and
 indemnity bond in favour of the Deputy Registrar.

28. If a respondent, who was described as a minor in the memorandum of appeal, appears as a major he shall, when making such appearance, file an affidavit stating the fact that he has attained majority together with the date when he did so. On such affidavit being filed, the appellant, unless he disputes the fact of the respondent attaining majority, shall file an application, which need not be verified, for amending the memorandum of appeal, and thereupon the memorandum of appeal shall be amended accordingly. If no such affidavit is filed by such respondent, he shall be precluded from appearing as a major and the appellant shall be required to put in the costs, etc., for the appointment of the Deputy Registrar as guardian *ad litem* of the said respondent:

Provided that it shall always be open to the appellant to ask for such amendment on making an application supported by an affidavit for the purpose.

29. Where in an appeal or other proceeding the natural guardian of a minor respondent or opposite party, upon being duly served with notice, does not appear in due time and the Deputy Registrar is appointed guardian *ad litem*, the natural guardian shall not be allowed to appear unless he files an application supported by an affidavit making out sufficient ground for the removal of the Deputy Registrar as required by rule 11 of Order XXXII of the Civil Procedure Code. Notice of such application shall be duly served by the applicant upon the Deputy Registrar and if an order is made removing the Deputy Registrar it shall be made subject to the payment by the natural guardian of any cost that the Deputy Registrar may have incurred as guardian *ad litem* in respect of Advocates' fees, etc.

30. On any Court day on which no Bench is or has been sitting, any memorandum of appeal or application which might be barred by time, and which is entertainable only by a Bench, may be presented to the Deputy Registrar or, in his absence from Court on that day, to an Assistant Registrar on the Appellate Side of the Court, who shall certify thereon that such application was on that day presented to him: provided always that no such presentation to the Deputy Registrar or an Assistant Registrar shall be of any effect unless such application be presented to a Bench on the next subsequent day on which a Bench is sitting.

ISSUED BY THE AUTHORITY OF THE HIGH COURT
AT CALCUTTA.

Addenda to the Rules of the High Court, Appellate
Side (Seventh Edition), 1936.

No.294.

Page 34, Chapter V, Rule 31 -

Delete the proviso and substitute therefor
the following :-

"Provided that in every appeal from an interlocutory order made in a suit and coming under Order XLIII, Rule 1, Clauses (q), (r) and (s), Civil Procedure Code, only copies of the application for attachment before judgment, for the issue of an injunction, or for appointment of a receiver, with affidavits and the petitions of objections thereto with affidavits and copies only of the orders relating to the matter should be called for, and that such copies should be prepared by the court below at Government expense:

Provided further that if either the appellant or any of the respondents requires any other papers to be called for, he should file a list of such papers in the court below within a time to be fixed by that court and also deposit in that court, the costs of preparation of copies of such papers to be estimated by that court within a time to be fixed by that court. Provided further that the court below will make suitable orders for compliance with its orders and send to this court copies of such papers within a reasonable time;

Provided further that none of the parties will be entitled to refer at the hearing of the appeal, to any paper not sent as aforesaid to this court by the court below except with the leave of this court:

Provided further that the Registrar, Appellate Side, may, in a special case, make any other order in regard to the calling of records from the court below."

shall be given in the manner stated in Rule above, 33(a) shall, in the case of Appeals from Original Decrees, deposit with the Accountant in one instalment the sum of
No. 66.

Pages 34-36, Rule 34, Chapter V—

Omit paragraph 2, clauses (a), (b) and (c) of this Rule.

(No. 66, Notification No. 14880G., dated the 20th December, 1938.)

(2) (a) In the case of Appeals from Original Decrees and Appeals from Remand Orders under Order XLI, Rule 23, Civil Procedure Code, in which the valuation of the appeal exceeds Rs. 50, and Appeals under Chapter X of the Bengal Tenancy Act, the appellant shall, within 30 days from the date of registration of an appeal, deposit, in one instalment, the sum of Rs. 10 and the respondent, at the time of entering appearance, Rs. 5 in full payment of the costs of the preparation of a typewritten paper-book :

Provided that in an Appeal from Appellate Decree in which there was an order of remand passed by the lower appellate court, and in which the previous judgments (of both original and appellate courts) will have to be included in the paper-book, the charge of the paper-book to the appellant will be Rs. 12, instead of Rs. 10, and to the respondent Rs. 6, instead of Rs. 5.

NOTE.—In cases where respondents are represented by separate Advocates, each such set of respondents shall deposit the sum of Rs. 5 on entering appearance, in full payment of the cost of the preparation of a typewritten paper-book.

(b) In the case of analogous appeals of the classes mentioned in clause (a) above, the appellant shall, within 30 days from the date of registration of an appeal, deposit, in full payment of the costs of the preparation of a typewritten paper-book, the sum of Rs. 10 for the first appeal, the charge for the analogous appeals being Re. 1-8 per appeal up to four such appeals, and annas 12 for every such appeal in excess of four, the additional charge not exceeding Rs. 10 in any case.

In such cases, the respondent, on entering appearance, shall deposit Rs. 5 for the first appeal and half the charges prescribed for the appellant in respect of the analogous appeals, the additional charge not exceeding Rs. 5 in any case. The principle of this rule will apply to each set of respondents who enter appearance through separate Advocates.

(c) Where analogous appeals have been presented in separate batches, each batch of such appeals presented by the same appellant or by the same Advocate representing different appellants, shall be considered as a separate batch of analogous appeals, and the cost of the preparation of the typewritten paper-book shall be deposited for each batch of such appeals separately calculated according to the provisions of clause (b). In the case of single appeals presented by different Advocates or appellants in person, such costs shall be deposited as provided in clause (a) for each such separate appeal, notwithstanding that such appeals may be analogous to others.

NOTE.—In cases in which some of the analogous appeals exceed Rs. 50 in value and some do not, the principle of the rules applicable to appeals valued over Rs. 50 shall apply to the whole analogous batch.

(3) In the case of First Appeals from Orders passed by a Provincial Civil Court (including orders under section 47, Civil Procedure Code) the appellant shall, at the time of paying the fee for the issue of the notice to the respondent under Order XLI, Rule 14, Civil Procedure Code, deposit the sum of Rs. 30 towards the cost of the preparation of the paper-book in the Appeal.

NOTE.—When tendering money in the accounts section the Advocate shall
No. 298.

Page 36, Chapter V, Rule 35(1)—

Add the following to the Rule:—

"*Note 1.*—The form shall contain the full address of each respondent including the Munsifi within which he resides [*vide* Rule 2 (b)].

Note 2.—To enable a return of service to be submitted there shall be supplied a separate copy of the notice for each Munsifi within which service is to be effected; it shall contain names of all respondents residing in such Munsifi."

[No. 298—Notification No. 3742G., dated the 3rd July, 1951—File No. 1P—1 of 1951.]

(2) The information entered in the forms must be filled up in the vernacular (or in English if the respondent to be served is a European British subject or a resident of Calcutta) in a bold, clear and easily legible handwriting.

(3) The date fixed for appearance will be inserted in the form and the notice will be dated and signed by an Officer of the High Court.

(4) The necessary number of the printed forms of notice in the prescribed form will be supplied to the appellants, or their Advocates, free of cost on application to the Forms Clerk.

(5) The Registrar may, in his discretion, direct in any particular case that the forms of notice be entirely filled up in the office of the Court.

36(a). If the fee for the issue of the notice to the respondent be not paid into Court in the manner provided by rule 33, or the deposit required under rule 34 be not made within the time allowed by that rule, or if the notice forms, duly filled up, be not filed as provided in the last preceding rule, the appeal shall be placed before the Registrar who may, in his discretion, either grant further time for making such payment, or deposit, or filing the notice forms, or direct the appeal to be placed before the Court for orders :

(b) No process-fee for the issue of notice to the respondent, or deposit under rule 34, or notice form filled up in accordance with the provisions of rule 35, shall, except under the orders of the Registrar, be accepted after the expiry of the period allowed by these Rules.

No order shall be passed under this rule except upon an application duly stamped with a court-fee of Rs. 2 setting forth sufficient grounds for the delay: Provided that if it is deemed necessary orders may be passed directing an affidavit to be filed in support of the application for extension of time.

NOTE.—In case any affidavit to be used under this Rule is sent from Muffasal, and is in the vernacular, it shall be accompanied by an English translation certified to be correct by an Advocate or a Translator of this Court.

Provided, further, that if the fees referred to in these Rules be paid into court out of time, but before the case is listed in Lawazima before the Registrar, the filing of an Application may be dispensed with.

37. If the process-fee be paid and the notice forms be filed within the period prescribed by rules 33 and 35, or within the further period allowed by the Registrar, the notice in the prescribed form shall at once issue on the respondent.

38. If such respondent reside within the jurisdiction of the Court from whose decree or order the appeal is preferred, the notice to such respondent shall be sent to the presiding officer of such Court together with the proceeding of the High Court calling for the record.

**Addenda and Corrigenda to the Rules of the High Court, Appellate
Side (Seventh Edition), 1936.**

No. 4.

Page 38, Rule 39, Chapter V.

Insert the following as Rule 39A:—

"39A. Where the jurisdiction within which a party resides is not known the notice in respect of such party shall be accompanied by a duplicate copy for the purpose of return of service."

(No. 4, Notification No. 25G., dated the 4th January, 1937.)

~~failure of service (as the case may be), direct to the High Court.~~

40. On receipt of the proceedings of the High Court, transmitting the notices of appeal or application, the Lower Court shall cause their service without the payment of any further fee and without any further action by the Appellant: Provided that:—(1) any additional fees for boat-hire or ferry toll exigible under rule 4 of the Rules framed under clause (i) of section 20 of the Court-fees Act, VII of 1870 [see Chapter 12 of these Rules], shall be deposited by the appellant or applicant in the Court of service; (2) the appellant or applicant or some one employed by him may, in any particular case if he so desires, accompany the serving officer for the purpose of facilitating the service of the processes.

41. The time allowed for service of the notice shall be specified therein by the Deputy Registrar in accordance with the time-table in rule 46 and shall commence from the date on which it is despatched, which shall, in general, be the day on which the process-fee is deposited and the notice forms are filed.

42. The Lower Courts shall issue all notices immediately on receipt thereof and in their returns of service shall, in every instance, insert (a) date of receipt of notice; (b) date of delivery to the serving officer; and (c) date of receiving it back from him.

43. It shall be the duty of the Lower Court to cause the notice to be served in sufficient time before the date fixed, and, if such service be impracticable, to state, when

returning it to the High Court, the reasons thereof. The Lower Court shall satisfy itself that a valid service has been made, or that there has been a failure of service, and shall certify such opinion with the reasons in case of failure of service. The certificate shall be accompanied by the return of service, or of failure to serve the notice, and the declaration of the serving officer specifying the fact and mode of service or the reason for non-service.

NOTE.—In every case in which a report is received from the Lower Court to the effect that a process issued by this Court cannot be served on the party for want of the necessary boat-hire, it shall be the duty of the office to bring such report to the notice of the Registrar who, if necessary after hearing the Advocate engaged in the case, may fix a date within which the necessary boat-hire shall be deposited in the Lower Court and at the same time alter the date of hearing of the case and also extend the date within which the return of service should be submitted. Intimation to this effect shall then be sent to the Lower Court concerned by means of a service post card in the prescribed form [see Form No. 4 (Civil), page 177 of Appendix I] and the Advocate concerned shall also be informed.

44. The date to be fixed for the hearing of the appeal shall be the 21st day after the date on which the time for the service of notices expires, provided that if such day be a Sunday or holiday, the first open day next following shall be the date fixed for the hearing.

45. In an appeal in which more than one respondent is to be served with the notice under Order XLI, rule 14, Civil Procedure Code, the Deputy Registrar, in fixing the time for the hearing of the appeal, shall fix the 21st day after the day fixed for the service of the notice of appeal on the respondent for whom the longest period is allowed under the following rule.

46. The following time-table shall be observed :—

District.	Number of days allowed for service of notice of appeal on the respondent.
The Municipalities of Calcutta and Howrah	10 days.
All Districts of Bengal (excluding the Municipalities of Calcutta and Howrah)	21 ..
Assam	26 .. *

47. When in an appeal or other proceeding the Court orders a notice to show cause to issue, such notice shall ordinarily be issued to all parties to such appeal or other proceeding and to any person whom it is proposed to make a party. If the person to whom the notice is to issue is a

minor, a person of unsound mind, or other disqualified person, it shall also be issued to the guardian or next friend of such person.

48. In every case in which an appeal has been admitted, the Registrar shall cause paper-books to be prepared in accordance with the provisions of Chapter IX.

No. 30.

Page 40, Rule 49, Chapter V, Part II—

(i) ~~Substitute~~ the words "General Warnings List" for the
No. 67.

No. 124

Page 40, Rule 49, Chapter V—

In the proviso to the rule, the word "Monthly" shall be substituted for "Weekly" in line 2.

(No. 124, Notification No. 4416G., dated the 22nd Jun File No. 1M—145 of 1942.)

No. 125

Page 40, Rule 50, Chapter V—

In the rule—

(i) the words "the last" shall be inserted between the word "Saturday" in line 1;

(ii) the word "month" shall be substituted for the word "week";

(iii) the words "following"

No. 126

Page 40, Rule 51, Chapter V—

In the rule the word "Monthly" shall be substituted for "Weekly"

(No. 126, Notification No. 4416G., dated the 22nd Jun File No. 1M—145 of 1942.)

52. The Daily Cause List for the days on which the Registrar sits shall include a list of the cases which will be taken up by him.

53. If on the date fixed for the hearing of any appeal, application or other matter, it appears that the requisite notices have been served, and the matter is otherwise ready for hearing, the matter may be disposed of; if not disposed of, it shall come on for disposal in the ordinary course, and no notice of any date fixed for hearing shall be given other than its inclusion in the Daily Cause List.

54. A case which is part-heard shall, unless otherwise ordered by a Bench, be placed first in the Daily Cause List for the day on which the Bench which has partly heard such case next sits for the disposal of that class of business.

55. Subject to rule 54, a case which is specially fixed for a particular day before a particular Bench shall be placed at the head of the list for that day.

56. The cases in the Daily Cause List shall, unless the Bench otherwise directs, be called on and disposed of in their order on the list.

57. Any person desiring that a case shall not be placed in the Daily Cause List for any particular day or days may, after notice to the opposite party, apply to the Registrar, and thereupon the Registrar may, subject to the proviso

No. 113.

Page 41, Chapter V, Part II.—

Insert the following as rules 58A and 58B after rule 58:—

“58A. To every judgment shall be added a certificate in the following form, as the case may be.”

No. 117.

Page 41, Chapter V, Part II.—

(i) *Cancel* rules 58A and 58B;

(ii) *Insert* the following as rule 58A:—

“58A. In every judgment, decree or final order to which the provisions of section 205 of the Government of India Act, 1935, apply, it shall be recorded whether a certificate under that section is granted or withheld.”

(No. 117, Notification No. 458G., dated the 17th January, 1941. File No. 4R—52 of 1940.)

By order of the High Court, *le.*

HIGH COURT,

T. H. ELLIS,

The 13th February, 1941.

Registrar, Appellate Side.

notice.

61. Whenever by an order of a Division Court, the decree or order of a Lower Court is modified or reversed, or costs are fixed in any special sum not specified in the judgment, as soon as the decree or order has been drawn up, it will be the duty of the Bench Clerk concerned to cause a notice to be issued to the Advocates concerned or to the parties, if acting in person, stating that such decree

or order has been drawn up and that it may be perused by any party or his Advocate within one week from the date of the issue of the notice.

62. When such notice has been issued, any party or his Advocate may, before the expiry of the time prescribed in rule 61, peruse the decree and either sign it or state his objection to the Judge or Judges, or one of them who delivered the judgment; or if such Judge or Judges has or have ceased to be a Judge or Judges of the Court, or be absent on leave or furlough, then before such Judge or Judges as the Chief Justice may appoint for that purpose.

63. (1) Should no objection be filed on or before the date specified in the notice, the Bench Clerk shall submit the decree to the Judges for signature.

(2) In drawing up decrees of this Court dismissing with costs appeals by minors, the Bench Clerks should be careful to make the next friend of the minor liable for such costs, unless the Court otherwise orders.

(3) In cases where a minor is a respondent and the decree of the Court below is reversed or altered, it shall be the duty of the Bench Clerk to call the attention of the Division Court to that fact, in order that special directions may be given as to the payment of costs.

64. A copy of the judgment and of the decree passed by the High Court, disposing of an appeal shall be certified by the Deputy Registrar and forwarded by him to the Court which passed the decree appealed from, in the manner prescribed by Order XLI, rule 37, Civil Procedure Code.

65. Every decree and order made by the High Court shall be drawn up in the English language.

66. Except when the Registrar otherwise directs, the records of the Lower Courts shall be sent down as soon as possible after the case has been disposed of.

67. No Advocate shall receive instructions from any person other than an Advocate, an Attorney, an enrolled Mukhtar of the Court, or the party himself, or a person holding a general power-of-attorney from him, or his servant or relation, or a Pleader of the mufassal Court, specially authorised in writing in that behalf. Where there are more parties than one, and they appear by

separate vakalatnamas, the vakalatnama of one may be received from any other similarly authorised, but if they appear by one and the same vakalatnama, it may be received from any one of them, or from a person duly authorised by any one of them, without special authority from the others. When any vakalatnama is filed by an Advocate, he shall endorse on the back of it the name of the person from whom it is received, and if such person is not the client himself, or an Advocate, Attorney, or enrolled Mukhtar, shall state the nature of the authority, with date, of that person.

68. When an Advocate retained to appear for any party to an appeal is prevented by sickness or engagement in another Court, or for any other sufficient cause, from appearing and conducting the case of his client, he may appoint another Advocate to appear in his place, so that his client may not be unrepresented at the hearing: but such Advocate shall not so appear unless he shall have first obtained the special permission of the Division Court, or the Registrar, as the case may be.

69. In any case in which the party employing an Advocate, or his agent, after due notice fails to pay the amount of the estimated costs for preparing briefs necessary to enable the Advocate to conduct the case properly, the Advocate or Advocates, after notice to such party or his agent, or by leave of the Court, may withdraw from the case.

70. An Advocate may also, for any other sufficient cause, or after such notice to his client as may enable him to appoint another Advocate by leave of the Court, but not otherwise, and on such terms as the Court may order as to refunding any fees he may have received, withdraw from the further conduct of the case.

71. A party desiring to cancel a Vakalatnama filed by him in any appeal or other proceeding in this Court must file a duly stamped and verified application for the orders of the Court unless the Advocate who accepted the Vakalatnama signifies his willingness to retire from the case, in which case, the application need not be verified.

72. The Deputy Registrar shall endorse the date of receipt on all Vakalatnamas and Mukhtarnamas in all cases in the High Court in its Appellate Jurisdiction.

73. The Deputy Registrar shall bring to the notice of the Registrar any wilful neglect on the part of any Advocate or Mukhtar attached to the High Court to attend at his office.

74. In every civil matter in which the Court directs an order to be issued immediately, the Bench Clerk shall at once draw up the order in the prescribed form [see Form No. 5 (Civil), page 178, Appendix I] and after obtaining the signature of the Judges thereto, send it forthwith to the Deputy Registrar or the officer in charge of the Judicial Department as the case may be, for issue without waiting for the formal order or the judgment to be signed. The Deputy Registrar or the officer in charge of the Judicial Department shall issue the order upon payment of such fee as may be chargeable :

Provided that if it is not possible to obtain the signature or signatures of the Judge or Judges on the day on which the order is passed, the matter should be brought immediately to the notice of the Registrar. If one Judge of a Bench has signed the order, the substance of it shall be communicated to the Lower Court, immediately, with a note that the copy of the order proper will follow.

75. The Stamp Reporter shall bring to the notice of the Deputy Registrar any irregularity committed by the Lower Courts in the preparation and endorsement of certified copies. — No. 60.

Page 44, Chapter V, Part II—

Add the following Rule at the end of Chapter V—

“76. For purposes of this Chapter, appeals against orders of the Calcutta Improvement Tribunal shall be treated as appeals from original decrees.”

(No. 60, Notification No. 4670G., dated the 12th April, 1938.)

Add the following note below the heading of the chapter:—

“Note.—The rules contained in this chapter shall, so far as the same are applicable in view of the limitations imposed by the Federal Court (Enlargement of Jurisdiction) Act, 1947, apply only to the appeals pending before His Majesty in Council in pursuance of the provisions of section 7 thereof”.

[No. 260—Notification No. 1081G., dated the 8th February, 1949.
File No. 1M—191 of 1947.]

No. 143.

Page 45, Rule 1, Chapter VI—

Insert the following note under the rule:—

“Note.—Until further orders applications may be typed on both sides of the paper.”

(No. 143, Notification No. 7851G., dated the 12th September, 1942. —File No. 1M—247 of 1942.)

as the Division Court appointed to deal with such matters shall fix.

3. Matters relating to (1) service of notices or other processes; (2) substitution of parties and appointment or discharge of next friends or guardians *ad litem* of minors or persons of unsound mind, before the admission of an appeal; (3) preparation of paper-books; (4) return of documents, and (5) matters not expressly required to be laid before the Division Court for orders, shall be dealt with and disposed of by the Registrar.

4. Applications for an order (1) to transmit Orders in Council for execution to the lower courts, where no special directions are required; (2) to transmit securities to the mufassal courts for investigation as to their sufficiency; and (3) for refunds of surplus deposits made for the purpose of preparing translations, manuscripts, etc., may, in ordinary circumstances, be made to, and disposed of, by the Registrar without notice to the opposite party other than inclusion in the daily cause list.

5. In all other applications regarding matters connected with appeals to His Majesty in Council, including petitions for leave to appeal, notice under rule 6 of this chapter is necessary, in addition to any other notice herein prescribed.

6. Notice of an application under the preceding rule shall be given by the applicant or his advocate by delivering to the proper person (ordinarily the advocate for the

appearing opposite party) a copy of the petition, together with a notice, in the following form :—

“Take notice that this application will be filed with the proper officer of the Court, and that you are required to attend and show cause against the application at the hearing, if you desire to do so.”

7. All applications which have been duly filed with the clerk-in-charge of Privy Council Appeals will be set down in a list in the order in which they are notified to him. The cases in the list will be called on peremptorily in their turn: and if, by the fault of the applicant, the application cannot be proceeded with, it will be liable to be dismissed.

8. Every petition under Order XLV, rule 2, Civil Procedure Code, shall be presented to the Stamp Reporter. Such petition shall be accompanied by—

- (1) a court-fee of Rs. 16 for drawing up an estimate of the expense of preparing and forwarding to the Registrar of the Privy Council the record of the case;
- (2) the fee for the issue of the notice of the application for leave to appeal to all the respondents who did not enter appearance in the High Court at the hearing of the appeal;
- (3) forms of notices to all respondents duly filled up in the manner prescribed in rule 15; and
- (4) certified copies of the judgment and decree complained of.

NOTE.—A petition presented without a copy of the decree appealed from shall forthwith be returned to the Advocate or party presenting it, who shall refile it with the copy wanted, within the period of limitation, and in case it is refiled after the period of limitation, it shall not be accepted without an order of the Division Court.

9. If the Stamp Reporter finds that the petition is barred by limitation he shall forthwith lay the same before the Court for orders. If it is filed within the prescribed period of limitation he shall lay it before the Registrar with a report whether it has been filed in accordance with the rules of the High Court and whether the stamps filed therewith are sufficient.

10. Upon receipt of such petition with the Stamp Reporter's report, the Registrar shall, in case the petition is not in proper form or is not accompanied by the requisite court-fee stamps, fix a period within which the additional fees may be paid or within which the petition may be amended, or lay the same before the Court for orders. If such petition is sufficiently stamped and complies with the provisions of the rules, he shall, upon receipt of such petition, direct notice to be served on the opposite party to show cause why the certificate should not be granted.

11. Where more than one such application is made by the same party at the same time relating to decrees or final orders made in pursuance of the same judgment and only one record is required to be printed, the Registrar may order that only one court-fee of Rs. 16 be paid, or that one certified copy of the judgment be accepted, or may refer the matter to the Court for orders.

12. As soon as the Registrar has directed notice to be served under rule 10 of this chapter, the clerk-in-charge of Privy Council Appeals shall forthwith proceed to issue notice of the application for leave to appeal to all the respondents who did not appear at the hearing of the appeal before the High Court. He shall also serve notices of the application for leave to appeal on the advocates for the respondents who appeared at the hearing before the High Court.

13. A notice which it is necessary to serve under these rules (other than notices under rule 6 of this chapter) or under Order XLV, rule 3 or rule 8, Civil Procedure Code, may be served in the manner provided by the Code for the service of notices, or, unless the Court or the Registrar otherwise directs, upon any advocate who appeared for the party to whom notice is to be given in the appeal to this Court, unless the vakalatnama of such advocate has been cancelled with the sanction of the Court. If there is no advocate upon whom notice can be served, then, unless the Registrar shall otherwise direct, the notice must be served upon the party in Calcutta through the Sheriff, or in the mufassal through the proper court in the district in which such notice is to be served, on paying the usual fee. The fee for the issue of the notice must be paid into Court at the time of filing the application. Such payment is to be made by stamp affixed to the notice intended to be served.

14. Nothing in these rules requiring any notice to be served on, or given to, an opposite party or respondent shall be deemed to require any notice to be served on, or given to, the legal representative of any deceased opposite party or deceased respondent in a case where such opposite party or respondent did not appear either at the hearing in the High Court or at any proceedings subsequent to the decree of the High Court :

Provided that notices under sub-rule 2 of rule 3 and rule 8 of Order XLV, Civil Procedure Code, shall be given by affixing the same in some conspicuous place in the court-house of the Judge of the district in which the original suit was brought and by publication in such newspapers as the Court may direct.

Notices under the proviso to this rule may be issued in the manner prescribed to the legal representatives of the deceased respondent or opposite party in question without specifying such legal representative by name.

15. (1) With the fee for the issue of the notice the applicant shall also file printed forms of such notice duly filled up in the prescribed form [see Form No. 6 (Civil), page 179, Appendix I] the date of appearance and the date of the notice being left blank.

(2) The information entered in the form must be filled up in the vernacular (or in English if the party to be served is a European British subject or a resident of Calcutta) in a bold, clear and easily legible hand-writing.

(3) The date fixed for the hearing of an application will be inserted in the form and the notice will be dated by the clerk-in-charge of Privy Council Appeals, before it is signed by the Deputy Registrar.

(4) The necessary number of printed forms of notice in the prescribed form will be supplied to applicants or their advocates, free of cost, on application to the Forms Clerk.

(5) The Registrar may, in his discretion, direct in any particular case that the forms of notice be entirely filled up in the office of the Court.

16. The date fixed for the hearing of the application shall be regulated by the time-table prescribed in rule 46, chapter V.

17. As soon as it shall appear that the notices of the application for leave to appeal have been duly served on all the respondents, the clerk-in-charge of Privy Council Appeals shall lay the application for leave to appeal before the Division Court for orders under Order XLV, rule 3 (1), Civil Procedure Code.

18. On the receipt of a report from the court of first instance under Order XLV, rule 5, Civil Procedure Code, as to the amount or value of the subject-matter of the suit and of the proposed appeal, notice shall forthwith be given to the applicant and to the appearing respondents, and any party objecting to the report shall, within seven days from the date of the notice, file his objections, if any, and also serve a copy thereof on the other side. The case shall thereupon be laid before the Court for orders without delay.

19. Immediately after the grant of the certificate, the clerk-in-charge shall call for the transmission, ordinarily within seven days, of the record and all material papers.

20. The advocates for the parties shall be notified of the arrival of such record as soon as it is received in the office of the Court.

21. Whenever it shall be impossible for the lower court to comply with the requisition within the time stated, such Court shall report the reason of its inability, and shall ask for such further time as may be necessary.

22. (1) Immediately after the grant of a certificate for leave to appeal, the clerk-in-charge shall prepare and serve on the applicant an estimate with reference to (a) Parts I and II of the paper-book used in the appeal to the High Court; and (b) the papers required to be added under rule 25, *post*, excluding item (7) of the latter rule. The amount due on such estimate shall be deposited within the time limited by Order XLV, rule 7 of the Code of Civil Procedure.

(2) If the application is for leave to appeal from the judgment of the High Court in an appeal other than an appeal from an original decree or order, the applicant shall deposit a lump sum of Rs. 400 within the time limited by Order XLV, rule 7, on account of the cost of the

preparation of complete Parts I and II of the paper-book. The estimates in such cases will be prepared and served as soon as possible after the receipt of the records and the filing of lists by the parties, but the said deposit of Rs. 400 shall be made within the prescribed time irrespective of the service of estimates.

23. (1) If the appellant desires to include in Parts I or II of the paper-book used at the hearing of the appeal in the High Court any papers on which the decision of the appeal to the Privy Council depends, and which have not already been included in the paper-book; or to exclude therefrom any papers on the ground that they are irrelevant to the subject-matter of the appeal to the Privy Council, he shall within one week from the date of service upon him of the notice under rule 20, apply to the Registrar for an order accordingly, and file with his application a complete list of the papers to be included in, or excluded from, the printed paper-book; and he shall, at the same time, serve copies of his application and list on the appearing respondents.

(2) Within one week from the date of the receipt by them of copies of the application and list mentioned in clause (1), the appearing respondents shall, if they so desire, file a similar application and list and simultaneously serve copies thereof on the appellant.

(3) (a) In the case of applications for leave to appeal from the judgment of the High Court in an appeal other than an appeal from an original decree or order the appellant shall file a complete list of the papers which he wishes to include in Parts I and II of the paper-book with the clerk-in-charge within two weeks of the service of notice under rule 20, and shall simultaneously serve a copy thereof on the appearing respondents who shall thereupon prepare and file their lists with the clerk-in-charge within one week of the receipt of the appellant's list and simultaneously serve copies thereof on the appellant.

(b) If any party considers that any paper, or portion thereof, should be included in, or omitted from, the lists, he may within one week from the receipt of a copy of the list of the other side, and after giving notice to the other side of his intended application, apply to the Registrar for an order that such paper, or portion thereof, should be inserted in the paper-book, or be omitted therefrom.

(4) It shall be competent to the Registrar to pass any orders which, with reference to the said applications, he may consider proper, and any costs incurred on this account shall be borne in such manner as the Registrar may direct: Provided that if the Registrar is unable to arrive at any conclusion as to whether a document should be included or not, and as to which party should bear the cost of inclusion of any document, he may make a note, which will form part of the paper-book, to that effect. Such applications shall bear a certificate under the hand of the advocate presenting them to the effect that the inclusion of the papers specified in their respective lists is necessary in order to the decision of the appeal, or that the papers are irrelevant and should be excluded from the printed record required for the Privy Council.

24. Parts I and II of the paper-book shall contain brief marginal notes, but shall otherwise be prepared in accordance with the provisions of Chapter IX of these Rules.

Each part shall have a complete index of all the papers included in it; and all the documents omitted from the transcript shall be enumerated in a type-written list to be transmitted with the record.

NOTE 1.—Each document shall have a marginal note which shall be repeated on each page over which the document extends, viz.—

Part I.

- (a) Where the case has been before more than one Court, the short name of the Court should first appear. Where the case has been before only one Court, the name of the Court need not appear.
- (b) The marginal note of the document should consist of the number and the description of the document in the Index with the date, except in the case of oral evidence.
- (c) In the case of oral evidence, the words "Plaintiff's evidence" or "Defendant's evidence" should appear beneath the name of the Court and then the marginal note consisting of the number in the Index and the witness's name, with "examination," "cross-examination," or "re-examination," as the case may be. The date is not required.

Part II.

- (a) The word "Exhibits" should first appear.
- (b) The marginal note of the Exhibits shall then appear consisting of the exhibit mark and the description of the document in the Index, with the date.

NOTE 2.—If in a judgment or any part of the record any unusual or purely technical vernacular term occurs its nearest English equivalent should be added in brackets.

25. The following documents shall be added to the papers of Part I of the paper-books which have already been printed :—

- (1) the proceedings in the High Court, if any;
- (2) the judgment and decree of the High Court;
- (3) the application for leave to appeal, affidavits, etc.;
- (4) the grounds of appeal;
- (5) the certificate granting leave;
- (6) the order admitting the appeal; and
- (7) any document not already included in Part I on which the decision of the appeal depends.

The additional documents should be printed strictly in chronological order and should be paged at the foot of each page in continuation of the previous paging of Part I, and shall contain brief marginal notes.

The parties shall agree to the omission of formal and irrelevant documents, but the description of the documents may appear (both in the Index and in the Record), if desired, with the words “not printed” against it.

26. In Part I of the transcript record to England the names of all the parties must be shown in full in the following documents :—

- (a) the plaint,
- (b) the lower Court's decree,
- (c) the memorandum of appeal to the High Court,
- (d) the decree of the High Court,
- (e) the application for leave to appeal to His Majesty in Council,
- (f) the proceedings of the High Court connected with the order of admission of appeal to His Majesty in Council,
- (g) the High Court's order of admission of the appeal to His Majesty in Council.

The recital of the names in full should be avoided in the following documents :—

- (a) the High Court's judgment, or in the Cause Title.
- (b) the Registrar's certificates of service of notice of admission of appeal, and of despatch of the transcript record.

27. The following charges shall be payable in respect of the matters specified :—

No. 127

Page 53, Rule 27, Chapter VI—

In the second column of clause (k) of the rule the words "of the paper book" shall be inserted after the word "page" in line 4 and the words "added to....." that paper book" omitted.

(No. 127, Notification No. 4416G., dated the 22nd June, 1942. Fil No. 1M—145 of 1942.)

		THE "PAPER BOOK" SPECIFIED in Chapter XIII, rule 7.	
(e) Editing the paper-book, per page	.. ..	12 annas if the paper-book is printed; and 6 annas if it is typed.	

NOTE.—When marginal notes only have to be inserted in Parts I and II of the paper book, the editing charge should be calculated at the rate of two annas a page.

(f) Lithographing, drawing or tracing maps (where necessary)	.. ..	Actual cost.	
(g) Printing fee for 50 copies— Ordinary matter, with marginal notes	.. ..	Actual cost not exceeding Rupee 1-8-0 per page.	
Tabular matter	.. ..	Actual cost.	
(h) Printing marginal notes in Parts I and II of the paper-book, per page	.. ..	Actual cost not exceeding six annas per page.	
(i) Certifying one copy of the printed record for every or manuscript pages or part thereof	.. ..	8 printed .. 1 0 0	
(j) Preparation of Index for every 16 papers or part thereof	.. ..	.. 1 0 0	
(k) Taxing the paper-book costs	.. ..	One anna for every printed, and half-anna for every typed, page added to the paper-book of the High Court Appeal; and one anna for every four pages, or less, of that paper- book.	

(l) Cost of transmission (including Rs. 5 to the Court Keeper for supervising the packing and despatch of printed record, and Rs. 2 to duty for packing)	..	Estimated amount.
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N.B.—Government materials and Service postage stamps shall be used for packing and despatch of the printed record, but the cost of packing materials and stamps so used shall be certified by the Court Keeper and credited to Government from the deposit made by the party.

NOTE 1.—The above rates are liable to alteration.

NOTE 2.—Each item of cost in the preparation of the paper-book at the rates specified above should be calculated to the nearest anna (fraction below half an anna being omitted and half an anna or over being reckoned as one anna).

28. The estimate shall include the matters referred to in the preceding rule and be framed in accordance with the charges above specified. Any applicant who has filed his application for leave to appeal shall be required to pay the expenses actually incurred in connection with the preparation of the estimate, whether the appeal be admitted or not.

29. The applicant may, at the next sitting of the Registrar, object to such estimate, but such objection is not to delay the making of the deposit.

30. If it subsequently appears that the amount which either party has been required to deposit is insufficient to defray the cost of preparing his portion of the paper-book, the clerk-in-charge of Privy Council Appeals shall estimate the additional amount required and shall give notice thereof to such party. It shall be competent to the Registrar to pass any orders regarding the payment of such additional amount as he may consider proper.

No. 268.

PAGE 54, CHAPTER VI—

Delete the existing rule 33 and substitute therefor the following:—

33. The security for costs of the respondents required by Order XLV, rule 7 of the Civil Procedure Code, shall ordinarily consist of cash or Government securities to the value of Rs. 4,000 in each appeal:

Provided that in analogous cases, the Court may reduce such security for each successive appeal after the first to any smaller amount, or may direct that a consolidated security of Rs. 4,000 be furnished for the entire group of analogous appeals:

Provided further that the Court at the time of granting the certificate may, after hearing any opposite party who appears, order on the ground of special hardship that some other form of security may be furnished; but no such order shall be passed unless the opposite party has been served by the appellant with notice seven clear days before the date of hearing, setting forth the nature of the security proposed to be furnished; no adjournment shall however be granted to an opposite party to contest the nature of such security.

Note.—The security deposited in cash may be subsequently converted into Government securities and *vice versa*, under the orders of the Registrar to be obtained on a written application.

[No. 268—Notification No. 1673G., dated the 23rd February, 1949. File No. 4R—44 of 1948.]

Government securities and *vice versa*, under the orders of the Registrar to be obtained on an application duly stamped.

34. When, in the special circumstances of the case, the Court allows immovable property to be accepted as security, the party finding the security shall file a mortgage bond, duly registered, together with a specification of the title to the property. Such bond shall be filed within the time limited by Order XLV, rule 7 of the Code of Civil Procedure. When such bond has been filed, the Registrar shall, if the property be situate in Calcutta, refer the matter to the Registrar on the Original Side for the security to be tested; if in the mufassal, by the Judge of the district in which the immovable property offered as security is situate.

35. Immediately upon the arrival of any report as to the sufficiency of any security, the clerk-in-charge of Privy Council Appeals shall issue a notice in the prescribed form to the parties concerned, specifying the nature of the case. All parties desirous of objecting to the report shall, within six days from the date of the notice, file their objections, if any, and serve a copy of the same upon the other parties to the appeal. All such objections will be disposed of at the next sitting but one of the Division Court after the arrival of the report.

36. If the security tendered be found insufficient by the Division Court, the appellant shall, within six weeks of the date of such finding, deposit Rs. 4,000 in cash, or Government securities to the extent of Rs. 4,000 (market value), or to such amount as will bring up the value of the security to Rs. 4,000.

37. In case the last day for making the deposit or giving the security under Order XLV, rules 7, 10 and 14, Civil Procedure Code, shall fall on a day upon which the Court is closed, the deposit may be made, or the security given, upon the first day upon which the Court re-opens.

38. When the security has been furnished and the deposit made in accordance with the provisions of Order XLV, rule 7, Civil Procedure Code, the clerk-in-charge shall lay the application before the Court for orders as to the admission of the appeal.

39. After the admission of the appeal the transcript of the record will be prepared for transmission to England.

40. On the admission of an Appeal to His Majesty in Council, whether by the order of this Court under Order XLV, rule 8, Civil Procedure Code, or by an order of His Majesty in Council giving the appellant special leave to appeal, notice of such admission shall, at the cost of the appellant, be given by this Court to all the respondents, whether they have entered appearance or not; and the Registrar of this Court shall transmit to the Registrar of His Majesty's Privy Council, with the transcript record of the case, or as soon thereafter as practicable, a certificate that notice of such admission has been given to all the respondents.

41. After the despatch by this Court to the Privy Council of the transcript record in an appeal to His Majesty in Council, duly admitted by this Court, or by an order of His Majesty in Council giving special leave to appeal as aforesaid, notice of such despatch shall, also at the cost of the appellant, be given by this Court to all the respondents, whether they have entered appearance or not, and the Registrar of this Court shall, as soon as practicable thereafter, transmit to the Registrar of His Majesty's Privy Council a certificate that such notice has been given to all the respondents.

42. All applications by, or on behalf of, an infant, or a person of unsound mind, shall be made in the name of the infant or person of unsound mind by the person whose name is on the record as his next friend or guardian; and whenever any application is consented to, or opposed by, an infant or person of unsound mind, the infant or person of unsound mind shall in like manner be represented by the person who appears on the record as his next friend or guardian.

43. In case there is no next friend or guardian upon the record, a separate application for appointment of a next friend or guardian must be made.

44. The supplemental record dealing with substitution and representation of heirs of deceased parties shall be transmitted to England in manuscript instead of being printed.

45. (a) When a party, who has been successful in an appeal to His Majesty in Council, applies for a certificate of the costs incurred in the appeal in this Court, the Deputy Registrar shall, upon production of the order of His Majesty in Council for the payment of such costs, prepare such certificate and place it on the record of the Privy Council Appeal.

(b) A copy of the certificate will then be taken by the party in the usual way.

46. The Registrar shall periodically, and at short intervals, place in the Court's list all appeals which are in arrears and call on the appellants to show cause before the Court why the appeals should not be dismissed for want of prosecution.

APPENDIX I TO CHAPTER VI.

AT THE COURT AT BUCKINGHAM PALACE, THE 9TH DAY OF
FEBRUARY, 1920.

Present:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the 4th year of the reign of His Majesty King William IV, entitled "An Act for the better Administration of Justice in His Majesty's Privy Council," it is, amongst other things, enacted that it shall be lawful for His Majesty in Council from time to time to make any such Rules and Orders as may be thought fit for regulating the mode, form and time of Appeal to be made from the decisions of any Courts of Judicature in India (from the decisions of which an Appeal lies to His Majesty in Council), and in like manner from time to time to make such other Regulations for the preventing delays in the making or hearing such Appeals and as to the expenses attending the said Appeals and as to the amount or value of property in respect of which any such Appeal may be made:

AND WHEREAS Her Majesty Queen Victoria did by Her Order in Council of the 10th day of April, 1838, approve certain Rules and Orders for regulating the mode, form and time of Appeal from the decisions of the said Courts and also certain Regulations for the preventing delays in the making or hearing such Appeals and as to the expenses attending such Appeals and as to the amount or value of property in respect of which any such Appeal may be made.

AND WHEREAS the King's Most Excellent Majesty in Council hath deemed it expedient to rescind all the said Rules, Orders and Regulations and to substitute others in lieu thereof:

His Majesty is, therefore, pleased, by and with the advice of His Privy Council, to rescind all the said Rules, Orders and Regulations in the said Order in Council of the 10th day of April, 1838, contained, and to approve of the several Rules, Orders and Regulations contained in the Schedule hereto, and to order, as it is hereby ordered, that the same be respectively observed by all Courts of Judicature in India and by all persons whom it shall or may concern.

Whereof the Governor-General of India in Council, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

The Schedule above referred to.

1. Applications to the Court for leave to appeal to His Majesty in Council shall be made within 90 days of the Decree or Order to be appealed from, subject to the provisions of sections 4, 5 and 12 of the Indian Limitation Act, 1908.

2. The preparation of the Record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

3. The Registrar, as well as the parties and their legal Agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal), that are not relevant to the subject-matter of the Appeal, and, generally, to reduce the bulk of the Record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a manuscript list to be transmitted with the Record.

4. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included, and the Court allows the document to be included, the Record, as printed (whether in India or in England) shall, with a view to the subsequent adjustment of the costs of, and incidental to, such document, indicate in the index of papers or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

5. Where the Record is printed in India, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council 40 copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal, if any, of the Court.

6. Where the Record is to be printed in England, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by, or on behalf of, the parties to the Appeal.

7. Where there are two or more Appeals arising out of the same matter, and the Court is of opinion that it would be for the convenience of the Lords of the Judicial Committee and all parties concerned that the Appeals should be consolidated, the Court may direct the Appeals to be consolidated.

8. An Appellant who has obtained a certificate for the admission of an Appeal may, at any time prior to the making of an Order admitting the Appeal, withdraw the Appeal on such terms as to costs and otherwise as the Court may direct.

9. Where an Appellant, having obtained a certificate for the admission of an Appeal, fails to furnish the security or make the deposit required (or apply with due diligence to the Court for an Order admitting the Appeal), the Court may, on its own motion or on an application in that behalf made by the Respondent, cancel the certificate for the admission of the Appeal, and may

give such directions as to the cost of the Appeal and the security entered into by the Appellant as the Court shall think fit, or make such further or other Order in the premises as, in the opinion of the Court, the justice of the case requires.

10. An Appellant whose appeal has been admitted shall prosecute his Appeal in accordance with the Rules for the time being regulating the general practice and procedure in Appeals to His Majesty in Council.

11. Where an Appellant, whose Appeal has been admitted, desires, prior to the despatch of the Record to England, to withdraw his Appeal, the Court may, upon an application in that behalf made by the Appellant, grant him a certificate to the effect that the Appeal has been withdrawn, and the Appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

12. Where an Appellant, whose Appeal has been admitted, fails to show due diligence in taking all necessary steps in connection with the preparation of the Record, the Court may, either on its own motion or on the application of the Respondent, call upon the Appellant to show cause why a certificate should not be issued that the Appeal has not been effectually prosecuted by the Appellant, and if the Court sees fit to issue such a certificate, the Appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

13. Where at any time between the admission of an Appeal and the despatch of the record to England, the Record becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court may, notwithstanding the admission of the Appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted, or entered, on the Record, in place of, or in addition to, the party who has died, or undergone a change of status, and the name of such person shall thereupon be deemed to be so substituted or entered on the Record as aforesaid without express Order of His Majesty in Council. If, in the opinion of the Court, there has been undue delay in making this application, the Court may order the Appellant, or the party interested, to take all necessary steps to perfect the Record within such time as the Court may direct, and, if he fails to comply with such Order, the Court may call upon him to show cause why a certificate should not be issued that the Appeal has not been effectually prosecuted, and if the Court sees fit to issue such a certificate, the Appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

14. When the Record subsequently to its despatch to England becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court may, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Privy Council, showing who, in the opinion of the Court, is the proper person to be substituted, or entered, on the Record, in place of, or in addition to, the party who has died, or undergone a change of status. If in the opinion of the Court, there has been undue delay in making this application, the Court may order the Appellant, or the party interested, to take all necessary steps to perfect the Record within such time as the Court may direct, and, if he fails to comply with such order, the Court shall report the matter to the Registrar of the Privy Council.

15. These Rules shall come into operation on the 1st day of January, 1921, or on such other date as the Governor-General of India in Council may determine.

APPENDIX II TO CHAPTER VI.

AT THE COURT AT BUCKINGHAM PALACE, THE 2ND DAY OF MAY, 1925.

Present:

THE KING'S MOST EXCELLENT MAJESTY.

Lord President ... Chancellor of the Duchy of Lancaster.

Lord Chamberlain ... Sir George Lloyd.

WHEREAS there was this day read at the Board a representation from the Judicial Committee of the Privy Council in the words following, viz.:—

“The Lords of the Judicial Committee having taken into consideration the Practice and Procedure in accordance with which the general Appellate Jurisdiction of Your Majesty in Council is now exercised and being of opinion that the Rules regulating the said Practice and Procedure ought to be amended, Their Lordships do hereby agree humbly to recommend to Your Majesty that with a view to such amendment certain Orders in Council regulating the said Practice and Procedure, viz., The Orders in Council dated respectively the 21st day of December, 1908, the 23rd day of May, 1916, the 25th day of March, 1920, the 9th day of March, 1921, and the 15th day of March, 1922, amending the said Practice and Procedure ought to be revoked as from the 1st day of January, 1926, and that the several Rules hereunto annexed ought to be substituted therefor and ought to come into operation on that date.”

His Majesty having taken the said representation into consideration was pleased, by and with the advice of His Privy Council, to approve thereof and to order as it is hereby ordered, that the said Orders in Council in the said representation mentioned be and the same are hereby revoked as from the 1st day of January, 1926, and that the Rules hereunto annexed be substituted therefor to come into operation on that date.

Whereof all persons whom it may concern are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

The following Order, dated the 2nd May 1925, issued by His Majesty in Council for observance in all appeals to the Privy Council, is inserted for information. It revokes, and has been substituted for, the rules contained in the Orders in Council, dated, respectively, 21st December 1908; 23rd May 1916; 25th March 1920; 9th March 1921; and 15th March 1922; which amended the above.

JUDICIAL COMMITTEE.

Jurisdiction and Procedure: General Rules as to Appeals.

THE JUDICIAL COMMITTEE RULES, 1925.

Statutory Rules and Orders, No. 440/L. 4 of 1925.

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5. Time for lodging Petition.
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7. General provisions.
8. Petitions for special leave to appeal *in formâ pauperis*.
9. Exemption of pauper Appellant from lodging security and paying Office fees.
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20. Inspection of Record by parties.
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74. Notice to parties of day fixed for delivery of Judgment.

6. Where the Judicial Committee agree to advise His Majesty to grant special leave to appeal, they shall, in their Report, specify the amount of the security for costs (if any) to be lodged by the Petitioner, and shall, unless the circumstances of a particular case render such a course unnecessary, provide for the transmission of the record by the Registrar to the Registrar of the Privy Council and for such further matters as the justice of the case may require. Unless otherwise ordered the security shall be lodged at any time before the Appellant enters an Appearance.

7. Save as by the four last preceding Rules otherwise provided, the provisions of Rules 47 to 50 and 52 to 59 (all inclusive) hereinafter contained shall apply *mutatis mutandis* to Petitions for special leave to appeal.

8. Rules 3 to 7 (both inclusive) shall apply *mutatis mutandis* to Petitions for leave to appeal in *formâ pauperis*, but in addition to the Affidavits referred to in rule 4 every such petition shall be accompanied by an Affidavit from the Petitioner stating that he is not worth £25 in the world excepting his wearing apparel and his interest in the subject-matter of the intended Appeal, and that he is unable to provide sureties, and also by a certificate of Counsel that the Petitioner has reasonable ground of appeal.

9. Where a Petitioner obtains leave to appeal in *formâ pauperis*, he shall not be required to lodge security for the costs of the Respondent or to pay any Council Office fees.

10. A Petitioner whose petition for leave to appeal in *formâ pauperis* is dismissed may, notwithstanding such dismissal, be excused from paying the Council Office fees usually chargeable to a Petitioner in respect of a Petition for leave to appeal, if His Majesty in Council, on the advice of the Judicial Committee, shall think fit so to order.

Record and Appearance by Appellant.

11. As soon as the Appeal has been admitted, whether by an Order of the Court appealed from or by an Order of His Majesty in Council granting special leave to appeal, the Appellant shall without delay take all necessary steps to have the Record transmitted to the Registrar of the Privy Council, and the Registrar shall, with all convenient speed, certify to the Registrar of the Privy Council that the Respondent has received notice, or is otherwise aware, of the Order of the Court appealed from admitting the Appeal, or of the Order of His Majesty in Council giving the Appellant special leave to appeal, and has also received notice, or is otherwise aware, of the despatch of the Record to England. Where an Appellant who has obtained special leave to appeal by an Order of His Majesty in Council fails to have the Record transmitted to the Registrar of the Privy Council with due diligence, the Registrar of the Privy Council shall call upon the Appellant to explain his default, and if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar insufficient, the said Registrar may issue a Summons to the Appellant calling upon him to show cause before the Judicial Committee at a time to be named in the said Summons why the special leave to appeal granted should not be rescinded. The Respondent shall

be entitled to be heard before the Judicial Committee in the matter of the said Summons and to ask for his costs and such other relief as he may be advised. The Judicial Committee may, after considering the matter of the said Summons, recommend to His Majesty to rescind the grant of special leave to appeal or give such other directions therein as the justice of the case may require.

12. The Record shall be printed in accordance with the Rules contained in Schedule A hereto. It may be printed either abroad or in England. When printed abroad the parties in England shall, upon perusal, consider whether the order of the documents is in accordance with these Rules, and if it is not, they shall agree upon the proper order. The Appellant shall then rearrange copies of the Record for the use of the Judicial Committee and the other parties. In the event of the parties being unable to agree, the matter shall be referred to the Registrar of the Privy Council who, if he thinks fit, may require the parties to attend before the Judicial Committee for directions.

13. Where the Record is printed abroad, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council 40 copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal, if any, of the Court appealed from.

14. Where the Record is to be printed in England, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.

15. Where part of the Record is printed abroad and part is to be printed in England, Rules 13 and 14 shall, as far as practicable, apply to such parts as are printed abroad and such as are to be printed in England respectively.

16. The reasons given by the Judge, or any of the Judges, for or against any judgment pronounced in the course of the proceedings out of which the Appeal arises, shall by such Judge or Judges be communicated in writing to the Registrar and shall be included in the Record.

17. The Registrar, as well as the parties and their Agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the Appeal, and, generally, to reduce the bulk of the Record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be printed or copied shall be enumerated in a type-written list to be transmitted with the Record.

18. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included, the Record, as finally printed (whether abroad or in England), shall, with a view to the subsequent adjustment of the costs of and incidental to such document,

indicate, in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

19. As soon as the Record is received in the Registry of the Privy Council, it shall be registered in the said Registry, with the date of arrival, the names of the parties, and the description whether "printed" or "written." A Record, or any part of a Record, not printed in accordance with the rules contained in Schedule A hereto shall be treated as written. Appeals shall be numbered consecutively in each year in the order in which the Records are received in the said Registry.

20. The parties shall be entitled to inspect the Record and to extract all necessary particulars therefrom for the purpose of entering an Appearance.

21. The Appellant shall enter an Appearance before taking any steps in the prosecution of the Appeal, and after entering such Appearance, shall forthwith give notice thereof to the Respondent, if the latter has entered an Appearance.

22. Where the Record arrives in England either wholly written, or partly written and partly printed, the Appellant shall, within a period of four months from the date of such arrival in the case of Appeals from Courts situate in any of the countries or places named in Schedule B hereto, and within a period of two months from the same date in the case of Appeals from any other Courts, enter an Appearance and bespeak a type-written copy of the Record, or of such parts thereof as it may be necessary to have copied, and shall engage to pay the cost of preparing such copy at the following rates per folio typed (exclusive of tabular matter) —2*d.* per folio of English matter, 2½*d.* per folio of Indian matter, and 3½*d.* per folio of foreign matter; and shall also engage to pay at such price as shall be fixed by the Registrar of the Privy Council the cost of printing at least 50 copies thereof.

23. As soon as the Appellant has obtained the type-written copy of the Record bespoken by him, he shall proceed, with due diligence, to arrange the documents in suitable order, to check the index, to insert the marginal notes and check the same with the index, and generally, to do whatever may be required for the purpose of preparing the copy for the printer in accordance with the Rules contained in Schedule A hereto, and shall, if the Respondent has entered an Appearance, submit the copy, as prepared for the Printer, to the Respondent for his approval. In the event of the parties being unable to agree, the matter shall be referred to the Registrar of the Privy Council who, if he thinks fit, may require the parties to attend before the Judicial Committee for directions.

24. As soon as the type-written copy of the Record is ready for the printer, the Appellant shall lodge it in the Registry of the Privy Council for printing by a printer selected by the Registrar of the Privy Council, and at the same time shall lodge the amount of the estimated cost of printing the Record.

25. Whenever it shall be found that the decision of a matter on appeal is likely to turn exclusively on a question of law, the parties, with the sanction of the Registrar of the Privy Council,

may submit such question of law to the Judicial Committee in the form of a Special Case, and print such parts only of the Record as may be necessary for the discussion of the same: Provided that nothing herein contained shall in any way prevent the Judicial Committee from ordering the full discussion of the whole case, if they shall so think fit, and that, in order to promote such arrangements and simplification of the matter in dispute, the said Registrar may call the parties before him, and having heard them, and examined the Record, may report to the Judicial Committee as to the nature of the proceedings.

26. The Registrar of the Privy Council shall, as soon as the proof prints of the Record are ready, give notice to all parties who have entered an Appearance requesting them to attend at the Registry of the Privy Council at a time to be named in such notice in order to examine the said proof prints and compare the same with the certified Record, and shall, for that purpose, furnish each of the said parties with one proof print. After the examination has been completed, the Appellant shall, without delay, lodge his proof print, duly corrected and (so far as necessary) approved by the Respondent, and the Registrar of the Privy Council shall thereupon cause the copies of the Record to be struck off from such proof print.

27. Each party who has entered an Appearance shall be entitled to receive, for his own use, six copies of the Record.

28. Subject to any special direction from the Judicial Committee to the contrary, the costs of, and incidental to, the printing of the Record shall form part of the costs of the Appeal, but the costs of, and incidental to, the printing of any document objected to by one party, in accordance with Rule 18, shall, if such document is found on the taxation of costs to be unnecessary or irrelevant, be disallowed to, or borne by, the party insisting on including the same in the Record.

Petition of Appeal.

29. The Appellant shall lodge his Petition of Appeal—

(a) Where the Record arrives in England printed, within a period of four months from the date of such arrival in the case of Appeals from Courts situate in any of the countries or places named in Schedule B hereto, and within a period of two months from the same date in the case of Appeals from any other Courts;

(b) Where the Record arrives in England written, within a period of one month from, but not before, the date of the completion of the printing thereof:

Provided that nothing in this Rule contained shall preclude the Appellant from lodging his Petition of Appeal prior to the arrival of the Record, or the completion of the printing thereof, if there are special reasons why, in the opinion of the Registrar of the Privy Council, it should be desirable for him to do so.

30. The Petition of Appeal shall be lodged in the form prescribed by Rule 47 hereinafter contained. It shall recite succinctly and, as far as possible, in chronological order, the

principal steps in the proceedings leading up to the Appeal from the commencement thereof down to the admission of the Appeal, but shall not contain argumentative matter or travel into the merits of the case.

31. The Appellant shall, after lodging his Petition of Appeal, serve a copy thereof without delay on the Respondent, as soon as the latter has entered an Appearance, and shall endorse such copy with the date of the lodgment.

Withdrawal of Appeal.

32. Where an Appellant, who has not lodged his Petition of Appeal, desires to withdraw his Appeal, he shall give notice in writing to that effect to the Registrar of the Privy Council, and the said Registrar shall, with all convenient speed after the receipt of such notice, by letter notify the Registrar of the Court appealed from that the Appeal has been withdrawn, and the said Appeal shall thereupon stand dismissed as from the date of the said letter without further Order.

33. Where an Appellant, who has lodged his Petition of Appeal, desires to withdraw his Appeal, he shall present a Petition to that effect to His Majesty in Council. On the hearing of any such Petition a Respondent who has entered an Appearance in the Appeal shall, subject to any agreement between him and the Appellant to the contrary, be entitled to apply to the Judicial Committee for his costs, but where the Respondent has not entered an Appearance, or, having entered an Appearance, consents in writing to the prayer of the Petition, the Petition may, if the Judicial Committee think fit, be disposed of in the same way *mutatis mutandis* as a Consent Petition under the provisions of Rule 56 hereinafter contained.

Non-prosecution of Appeal.

34. Where an Appellant takes no step in prosecution of his Appeal within a period of four months from the date of the arrival of the Record in England in the case of an Appeal from a Court situate in any of the countries or places named in Schedule B hereto, or within a period of two months from the same date in the case of an Appeal from any other Court, the Registrar of the Privy Council shall, with all convenient speed, by letter notify the Registrar of the Court appealed from that the Appeal has not been prosecuted, and the Appeal shall thereupon stand dismissed for non-prosecution as from the date of the said letter without further Order, and a copy of the said letter shall be sent by the Registrar of the Privy Council to any Respondent who has entered an Appearance in the Appeal.

35. Where an Appellant who has entered an Appearance—

- (a) fails to bespeak a copy of a written Record, or of part of a written Record, in accordance with, and within the periods prescribed by rule 22; or

- (b) having bespoken such copy within the periods prescribed by rule 22, fails thereafter to proceed with due diligence to take all such further steps as may be necessary for the purpose of completing the printing of the said record; or
- (c) fails to lodge his Petition of Appeal within the periods respectively prescribed by Rule 29;

the Registrar of the Privy Council shall call upon the Appellant to explain his default, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar shall, with all convenient speed, by letter notify the Registrar of the Court appealed from that the Appeal has not been effectually prosecuted, and the Appeal shall thereupon stand dismissed for non-prosecution as from the date of the said letter without further Order, and a copy of the said letter shall be sent by the Registrar of the Privy Council to all the parties who have entered an Appearance in the Appeal.

36. Where an Appellant, who has lodged his Petition of Appeal, fails thereafter to prosecute his Appeal with due diligence, the Registrar of the Privy Council shall call upon him to explain his default, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar shall issue a Summons to the Appellant calling upon him to show cause before the Judicial Committee at a time to be named in the said Summons why the Appeal should not be dismissed for non-prosecution: Provided that no such Summons shall be issued by the said Registrar before the expiration of one year from the date of the arrival of the Record in England. If the respondent has entered an Appearance in the Appeal, the Registrar of the Privy Council shall send him a copy of the said Summons, and the Respondent shall be entitled to be heard before the Judicial Committee in the matter of the said Summons at the time named and to ask for his costs and such other relief as he may be advised. The Judicial Committee may, after considering the matter of the said Summons, recommend to His Majesty the dismissal of the Appeal for non-prosecution, or give such other directions therein as the justice of the case may require.

37. An Appellant whose Appeal has been dismissed for non-prosecution may present a Petition to His Majesty in Council praying that his Appeal may be restored.

Appearance by Respondent.

38. The Respondent may enter an Appearance at any time between the arrival of the Record and the hearing of the appeal, but if he unduly delays entering an Appearance he shall bear, or be disallowed, the costs occasioned by such delay, unless the Judicial Committee otherwise direct.

39. The Respondent shall forthwith after entering an Appearance give notice thereof to the Appellant, if the latter has entered an Appearance.

40. Where there are two or more Respondents, and only one, or some, of them enter an Appearance, the Appearance Form shall set out the names of the appearing Respondents.

41. Two or more Respondents may, at their own risk as to costs, enter separate Appearances in the same Appeal.

42. A Respondent who has not entered an Appearance shall not be entitled to receive any notices relating to the Appeal from the Registrar of the Privy Council, nor be allowed to lodge a Case in the Appeal.

43. Where a Respondent fails to enter an Appearance in an Appeal, the following Rules shall, subject to any special Order of the Judicial Committee to the contrary, apply:—

(a) If the non-appearing Respondent was a Respondent at the time when the Appeal was admitted, whether by the Order of the Court appealed from or by an Order of His Majesty in Council giving the Appellant special leave to appeal, and it appears from the terms of the said Order, or Order in Council, or otherwise from the Record, or from a Certificate of the Registrar of the Court appealed from, that the said non-appearing Respondent has received notice, or was otherwise aware, of the Order of the Court appealed from admitting the Appeal, or of the Order of His Majesty in Council giving the Appellant special leave to appeal, and has also received notice or was otherwise aware, of the despatch of the Record to England, the Appeal may, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the said non-appearing Respondent at any time after the expiration of three months from the date of the lodging of the Petition of Appeal;

(b) If the non-appearing Respondent was made a Respondent by an Order of His Majesty in Council subsequently to the admission of the Appeal, and it appears from the Record, or from a Supplementary Record, or from a Certificate of the Registrar of the Court appealed from, that the said non-appearing Respondent has received notice, or was otherwise aware, of any intended application to bring him on the Record as a Respondent, the Appeal may, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the said non-appearing Respondent at any time after the expiration of three months from the date on which he shall have been served with a copy of His Majesty's Order in Council bringing him on the Record as a Respondent:

Provided that where it is shown to the satisfaction of the Registrar of the Privy Council, by Affidavit or otherwise, either that an Appellant has made every reasonable endeavour to serve a non-appearing Respondent with the notices mentioned in clauses (a) and (b) respectively and has failed to effect such service, or that it is not the intention of the non-appearing Respondent to enter an Appearance to the Appeal, the Appeal may, without further Order in that behalf and at the risk of the Appellant, be proceeded with *ex parte* as against the said non-appearing Respondent.

44. A Respondent who desires to defend an appeal in *forma pauperis* may present a Petition to that effect to His Majesty in Council, which Petition shall be accompanied by an Affidavit from the Petitioner stating that he is not worth £25 in the world excepting his wearing apparel and his interest in the subject-matter of the Appeal.

Petitions generally.

45. All Petitions for orders or directions as to matters of practice or procedure arising after the lodging of the Petition of Appeal and not involving any change in the parties to an Appeal shall be addressed to the Judicial Committee. All other Petitions shall be addressed to His Majesty in Council, but a Petition which is properly addressed to His Majesty in Council may include, as incidental to the relief thereby sought, a prayer for orders or directions as to matters of practice or procedure.

46. Where an Order made by the Judicial Committee does not embody any special terms or include any special directions, it shall not be necessary to draw up such Order, unless the Committee otherwise direct, but a Note thereof shall be made by the Registrar of the Privy Council.

47. All Petitions shall consist of paragraphs numbered consecutively and shall be written, type-written, or lithographed, on brief paper with quarter margin and endorsed with the name of the Court appealed from, the full title and Privy Council number of the Appeal to which the Petition relates or the full title of the Petition (as the case may be), and the name and address of the London Agent (if any) of the Petitioner, but need not be signed, except as provided by Rule 3. Unless the Petition is a Consent Petition within the meaning of Rule 56 at least five copies thereof shall be lodged.

48. Where a Petition is expected to be lodged, or has been lodged, which does not relate to any pending Appeal of which the Record has been registered in the Registry of the Privy Council, any person claiming a right to appear before the Judicial Committee on the hearing of such Petition may lodge a Caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar of the Privy Council notice of the lodging of the Petition, if at the time of the lodging of the Caveat such Petition has not yet been lodged, and, if and when the Petition has been lodged, to require the Petitioner to serve him with a copy of the Petition, and to furnish him, at his own expense, with copies of any papers lodged by the Petitioner in support of his Petition. The Caveator shall forthwith after lodging his Caveat give notice thereof to the Petitioner if the Petition has been lodged.

49. Where a Petition is lodged in the matter of any pending Appeal of which the Record has been registered in the Registry of the Privy Council, the Petitioner shall serve any party who has entered an Appearance in the Appeal with a copy of such Petition, and the party so served shall thereupon be entitled to require the Petitioner to furnish him, at his own expense, with copies of any papers lodged by the Petitioner in support of his Petition.

50. A Petition not relating to any Appeal of which the Record has been registered in the Registry of the Privy Council, and any other Petition containing allegations of fact which cannot be verified by reference to the registered Record or any certificate or duly authenticated statement of the Court appealed from, shall be supported by Affidavit. Where the Petitioner prosecutes his Petition in person, the said Affidavit shall be sworn by the Petitioner himself and shall state that, to the best of the deponent's

knowledge, information, and belief, the allegations contained in the Petition are true. Where the Petitioner is represented by an Agent, the said Affidavit shall be sworn by such Agent and shall, besides stating that, to the best of the deponent's knowledge, information, and belief, the allegations contained in the Petition are true, show how the deponent obtained his instructions and the information enabling him to present the Petition.

51. A Petition for an Order of Revivor or Substitution shall be accompanied by a certificate or duly authenticated statement from the Court appealed from showing who, in the opinion of the said Court, is the proper person to be substituted, or entered on the Record in place of, or in addition to, a party who has died or undergone a change of status.

52. The Registrar of the Privy Council may refuse to receive a Petition on the grounds that it discloses no reasonable cause of appeal, or is frivolous, or contains scandalous matter, but the Petitioner may appeal, by way of motion, from such refusal to the Judicial Committee.

53. As soon as a Petition and all necessary documents are lodged the Petition shall thereupon be deemed to be set down.

54. On each day appointed by the Judicial Committee for the hearing of Petitions the Registrar of the Privy Council shall, unless the Committee otherwise direct, put in the paper for hearing all such Petitions as have been set down: Provided that, in the absence of special circumstances of urgency to be shown to the satisfaction of the said Registrar, no Petition, if opposed, shall be put in the paper for hearing before the expiration of ten clear days from the lodging thereof, unless the Opponent consents to the Petition being put in the paper on an earlier day.

55. Subject to the provisions of the next following Rule, the Registrar of the Privy Council shall, as soon as the Judicial Committee have appointed a day for the hearing of a Petition, notify all parties concerned by Summons of the day so appointed.

56. Where the prayer of a Petition is consented to in writing by the opposite party, or where a Petition is of a formal and non-contentious character, the Judicial Committee may, if they think fit, make their Report to His Majesty on such Petition, or make their Order thereon, as the case may be, without requiring the attendance of the parties in the Council Chamber, and the Registrar of the Privy Council shall not in any such case issue the Summons provided for by the last preceding Rule, but shall with all convenient speed after the Committee have made their Report or Order notify the parties that the Report or Order has been made and of the date and nature of such Report or Order.

57. A Petitioner who desires to withdraw his Petition shall give notice in writing to that effect to the Registrar of the Privy Council. Where the Petition is opposed, the Opponent shall, subject to any agreement between the parties to the contrary, be entitled to apply to the Judicial Committee for his costs, but where the Petition is unopposed; or where, in the case of an opposed Petition, the parties have come to an agreement as to the costs of the Petition, the Petitioner may, if the Judicial Committee think fit, be disposed of in the same way *mutatis mutandis* as a Consent Petition under the provisions of the last preceding Rule.

58. Where a Petitioner unduly delays bringing a Petition to a hearing, the Registrar of the Privy Council shall call upon him to explain the delay, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar may, after notifying all parties interested by Summons of his intention to do so, put the Petition in the paper for hearing on the next following day appointed by the Judicial Committee for the hearing of Petitions for such directions as the Committee may think fit to give thereon.

59. At the hearing of a Petition not more than one Counsel shall be admitted to be heard on a side.

Case.

60. No party to an Appeal shall be entitled to be heard by the Judicial Committee unless he has previously lodged his Case in the Appeal: Provided that where a Respondent, who has entered an Appearance, does not desire to lodge a Case in the Appeal, he may give the Registrar of the Privy Council notice in writing of his intention not to lodge any Case, while reserving his right to address the Judicial Committee on the question of costs.

61. The Case may be printed either abroad or in England, and shall, in either event, be printed in accordance with Rules I to III contained in Schedule A hereto, every tenth line thereof being numbered in the margin, and shall be signed by at least one of the Counsel who attends at the hearing of the Appeal or by the party himself if he conducts his Appeal in person.

62. Each party shall lodge 30 prints of his Case.

63. The Case shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the Appeal arises, the contentions to be urged by the party lodging the same, and the reasons of appeal. References by page and line to the relevant portions of the Record as printed shall, as far as practicable, be printed in the margin, and care shall be taken to avoid, as far as possible, the reprinting in the Case of long extracts from the Record. The Taxing Officer, in taxing the costs of the Appeal, shall, either of his own motion, or at the instance of the opposite party, inquire into any unnecessary prolixity in the Case, and shall disallow the costs occasioned thereby.

64. Two or more Respondents may, at their own risk as to costs, lodge separate Cases in the same Appeal.

65. Each party shall, after lodging his Case, forthwith give notice thereof to the other party.

66. Subject as hereinafter provided, the party who lodges his Case first may, at any time after the expiration of three clear days from the day on which he has given the other party the notice prescribed by the last preceding Rule, serve such other party, if the latter has not in the meantime lodged his Case, with a "Case Notice," requiring him to lodge his Case within one month from the date of the service of the said Case Notice and informing him that, in default of his so doing, the Appeal will be set down for hearing *ex parte* as against him, and if the other party fails to

comply with* the said Case Notice, the party who has lodged his Case may, at any time after the expiration of the time limited by the said Case Notice for the lodging of the Case, lodge an Affidavit of Service (which shall set out the terms of the said Case Notice), and the Appeal shall thereupon, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the party in default: Provided that no Case Notice shall be served until after the completion of the printing, or re-arrangement under Rule 12, of the Record, and also that nothing in this Rule contained shall preclude the party in default from lodging his Case, at his own risk as regards costs and otherwise, at any time up to the date of hearing.

67. Subject to the provisions of Rule 43 and of the last preceding Rule, an Appeal shall be set down *ipso facto* as soon as the Cases on both sides are lodged, and the parties shall thereupon exchange Cases by handing one another, either at the Offices of one of the Agents or in the Registry of the Privy Council, ten copies of their respective Cases.

Binding Records, etc.

68. As soon as an Appeal is set down, the Appellant shall attend at the Registry of the Privy Council and obtain ten copies of the Record and Cases to be bound for the use of the Judicial Committee at the hearing. The copies shall be bound in cloth or in half leather with paper sides, and six leaves of blank paper shall be inserted before the Appellant's Case. The front cover shall bear a printed label stating the title and Privy Council number of the Appeal, the contents of the volume, and the names and addresses of the London Agents. The several documents, indicated by incuts, shall be arranged in the following order: (1) Appellant's Case; (2) Respondent's Case; (3) Record (if in more than one part, showing the separate parts by incuts, all parts being paged at the top of the page); (4) Supplemental Record (if any); and the short title and Privy Council number of the Appeal shall also be shown on the back.

69. The Appellant shall lodge the bound copies not less than four clear days before the commencement of the Sittings during which the Appeal is to be heard.

Hearing.

70. The Registrar of the Privy Council shall name a day on or before which Appeals must be set down if they are to be entered in the List of Business for the ensuing Sittings. All Appeals set down on or before the day named shall, subject to any directions from the Committee or to any agreement between the parties to the contrary, be entered in such List of Business and shall, subject to any directions from the Committee to the contrary, be heard in the order in which they are set down.

71. The Registrar of the Privy Council shall, subject to the provisions of Rule 42, notify the parties to each Appeal by Summons, at the earliest possible date, of the day appointed by the Judicial Committee for the hearing of the Appeal, and the parties shall be in readiness to be heard on the day so appointed.

72. At the hearing of an Appeal not more than two Counsel shall be admitted to be heard on a side.

73. In Admiralty Appeals the Judicial Committee may, if they think fit, require the attendance of two Nautical Assessors.

Judgment.

74. Where the Judicial Committee, after hearing an Appeal, decide to reserve their Judgment thereon, the Registrar of the Privy Council shall in due course notify the parties by Summons of the day appointed by the Committee for the delivery of the judgment.

Costs.

75. All Bills of Costs under the Orders of the Judicial Committee on Appeals, Petitions, and other matters, shall be referred to the Registrar of the Privy Council, or such other person as the Judicial Committee may appoint, for taxation, and all such taxations shall be regulated by the Schedule of Fees set forth in Schedule C hereto.

76. The taxation of costs in England shall be limited to costs incurred in England.

77. The Registrar of the Privy Council shall, with all convenient speed after the Judicial Committee have given their decision as to the costs of an Appeal, Petition, or other matter, issue to the party to whom costs have been awarded an Order to tax and a Notice specifying the day and hour appointed by him for taxation. The party receiving such Order to tax and Notice shall, not less than 48 hours before the time appointed for taxation, lodge his Bill of Costs (together with all necessary vouchers for disbursements), and serve the opposite party with a copy of his Bill of Costs and of the Order to tax and Notice.

78. The Taxing Officer may, if he think fit, disallow to any party who fails to lodge his Bill of Costs (together with all necessary vouchers for disbursements) within the time prescribed by the last preceding Rule, or who in any way delays or impedes a taxation, the charges to which such party would otherwise be entitled for drawing his Bill of Costs and attending the taxation.

79. Any party aggrieved by a taxation may appeal from the decision of the Taxing Officer to the Judicial Committee. The Appeal shall be heard by way of motion, and the party appealing shall give three clear days Notice of Motion to the opposite party, and shall also leave a copy of such Notice in the Registry of the Privy Council.

80. The amount allowed by the Taxing Officer on the taxation shall, subject to any appeal from his taxation to the Judicial Committee and subject to any direction from the Committee to the contrary, be inserted, in His Majesty's Order in Council determining the Appeal or Petition.

81. Where the Judicial Committee directs costs to be taxed on the pauper scale, the Taxing Officer shall not allow any fees of Counsel, and shall only award to the Agents out-of-pocket expenses

and a reasonable allowance to cover office expenses, such allowance to be taken at about three-eighths of the usual professional charges in ordinary Appeals. Such pauper scale shall apply to and include the application upon which leave to appeal in *forma pauperis* was granted.

82. Where the Appellant has lodged security for the Respondent's costs of an Appeal in the Registry of the Privy Council, the Registrar of the Privy Council shall deal with such security in accordance with the directions contained in His Majesty's Order in Council determining the Appeal.

Miscellaneous.

83. The Judicial Committee may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matters of practice and procedure as they shall consider just and expedient. Applications to be excused for compliance with the requirements of any of these Rules shall be addressed in the first instance to the Registrar of the Privy Council, who shall take the instructions of the Committee thereon and communicate the same to the parties. If, in the opinion of the said Registrar, it is desirable that the application should be dealt with by the Committee in open Court, he may direct the party applying to lodge in the Registry of the Privy Council, and to serve the opposite party with, a Notice of Motion returnable before the Committee.

84. Any document lodged in connection with an Appeal, Petition, or other matter pending before His Majesty in Council or the Judicial Committee, may be amended by leave of the Registrar of the Privy Council, but if the said Registrar is of opinion that an application for leave to amend should be dealt with by the Committee in open Court, he may direct the party applying to lodge in the Registry of the Privy Council, and to serve the opposite party with, a Notice of Motion returnable before the Committee.

85. Affidavits relating to any Appeal, Petition or other matter pending before His Majesty in Council or the Judicial Committee may be sworn before the Registrar of the Privy Council.

86. Where a party to an Appeal, Petition, or other matter pending before His Majesty in Council changes his Agent, such party, or the new Agent, shall forthwith give the Registrar of the Privy Council and the outgoing Agent notice in writing of the change, and shall amend the Appearance accordingly. Until such notices are given the former Agent shall be considered the Agent of the party until the final conclusion of the Appeal, Petition, or other matter.

87. Subject to the provisions of any Statute or of any Statutory Rules or Order to the contrary, these rules shall apply to all matters falling within the Appellate Jurisdiction of His Majesty in Council.

88. These Rules may be cited as the Judicial Committee Rules, 1925. and they shall come into operation on the 1st day of January, 1926.

SCHEDULE A.

Rules as to Printing.

I. All Records and other proceedings in Appeals or other matters pending before His Majesty in Council or the Judicial Committee which are required by the above Rules to be printed shall be printed in the form known as Demy Quarto.

II. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and 8½ inches in width.

III. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter and notes. The number of lines in each page of Pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

IV. Records shall be arranged in two parts in the same volume, where practicable, viz.—

Part I.—The pleadings and proceedings, the transcript of the evidence of the witnesses, the Judgments, Decrees, etc., of the Courts below, down to the Order admitting the Appeal.

Part II.—The exhibits and documents.

V. The Index to Part I shall be in chronological order, and shall be placed at the beginning of the volume.

The Index to Part II shall follow the order of the exhibit mark, and shall be placed immediately after the Index to Part I.

VI. Part I shall be arranged strictly in chronological order, i.e., in the same order as the index.

Part II shall be arranged in the most convenient way for the use of the Judicial Committee, as the circumstances of the case require. The documents shall be printed as far as suitable in chronological order, mixing Plaintiff's and Defendant's documents together when necessary. Each document shall show its exhibit mark, and whether it is a Plaintiff's or Defendant's document (unless this is clear from the exhibit mark) and in all cases documents relating to the same matter. such as—

(a) a series of correspondence, or

(b) proceedings in a suit other than the one under appeal,

shall be kept together. The order in the Record of the documents in Part II will probably be different from the order of the Index, and the proper page number of each document shall be inserted in the printed Index.

The parties will be responsible for arranging the Record in proper order for the Judicial Committee, and in difficult cases Counsel may be asked to settle it.

VII. The documents in Part I shall be numbered consecutively.

The documents in Part II shall not be numbered, apart from the exhibit mark.

VIII. Each document shall have a heading which shall consist of the number or exhibit mark and the description of the document in the Index, without the date.

IX. Each document shall have a marginal note which shall be repeated on each page over which the document extends, viz. :—

Part I.

(a) Where the case has been before more than one Court, the short name of the Court shall first appear. Where the case has been before only one Court, the name of the Court need not appear.

(b) The marginal note of the document shall then appear consisting of the number and the description of the documents in the Index, with the date, except in the case of oral evidence.

(c) In the case of the oral evidence, "Plaintiff's evidence" or "Defendant's evidence" shall appear beneath the name of the Court, and then the marginal note consisting of the number in the Index and the witness's name, with "Examination" "cross-examination" or "re-examination," as the case may be.

Part II.

The word "Exhibits" shall first appear.

The marginal note of the exhibit shall then appear consisting of the exhibit mark and the description of the document in the Index with the date.

X. The parties shall agree to the omission of formal and irrelevant documents, but the description of the document may appear (both in the Index and in the Record), if desired, with the words "not printed" against it.

A long series of documents, such as accounts, rent rolls, inventories, etc., shall not be printed in full, unless Counsel so advise, but the parties shall agree to short extracts being printed as specimens.

XI. In cases where maps sent from abroad are of an inconvenient size or unsuitable in character, the Appellant shall, in agreement with the Respondent, prepare in England, from the materials sent from abroad, maps drawn properly to scale and of reasonable size, showing, as far as possible, the claims of the respective parties, in different colours.

SCHEDULE B.

Countries and places referred to in Rules 22, 29 and 34.

Australia.	Fiji.
British Honduras.	Hong Kong.
British North Borneo.	India.
Brunei.	Mauritius.
Ceylon.	New Zealand.
China.	Persia.
Eastern African Dependencies.	Seychelles.
Falkland Islands.	Somaliland Protectorate.
Federated Malay States.	Straits Settlements.

SCHEDULE C.

I.

Fees allowed to Agents conducting Appeals or other matters before the Judicial Committee of the Privy Council.

(33½ per cent. is added to these fees.)

	£.	s.	d.
Retainer fee	0	13	4
Drawing Appearance or Caveat	0	5	0
Perusing printed Record, for every printed sheet of 8 pages	1	1	0
Perusing written Record, for every 25 folios ..	0	6	8

					£	s.	d.
Drawing Index, <i>per folio</i>	..	..	..	..	0	2	6
Drawing Marginal Notes and Headings, <i>per folio</i>	..	..	..	..	0	0	6
Attending at the Registry to examine proof print of Record with the certified Record, <i>per day</i>	..	..	..	..	3	3	0
Attending at the Registry to examine proof print of Record with the certified Record, <i>per half day</i>	..	..	..	..	1	11	6
Correcting revised print of Record, per sheet of 8 pages—							
Foreign or Indian cases	..	..	..	..	1	1	0
Other cases	..	..	..	..	0	10	6
Instruction for Petition or Motion, or to Oppose	..	..	..	..	0	10	0
Instructions for Petition of Appeal	..	..	..	..	0	10	0
Instructions for Case	..	..	..	..	1	0	0
Drawing Petition, Motion, Case or Affidavit, <i>per folio</i>	..	..	..	..	0	2	0
Copying Petition, Motion, Case or Affidavit, <i>per folio</i>	..	..	..	..	0	0	6
Correcting proof of Case, per sheet of 8 pages—							
Foreign or Indian Cases	..	..	..	..	1	1	0
Other Cases	..	..	..	..	0	10	6
Drawing and fair copy Case Notice	..	..	..	..	0	10	0
Perusing Petition, Motion or Affidavit, <i>per folio</i>	..	..	..	..	0	2	0
Perusing Petition of Appeal	..	..	..	..	1	1	0
Perusing Case, per printed sheet of 8 pages	..	..	..	..	1	1	0
Instructions for and preparing Retainer to Counsel	..	..	..	..	0	10	0
Instructions to Counsel to argue an Appeal	..	..	..	..	1	0	0
Instructions to Counsel to argue a Petition or Motion	..	..	..	..	0	10	0
Instructions to printer	..	..	..	..	0	10	0
Attending Consultation	..	..	..	..	1	0	0
Attending at the Council Chamber for the hearing of a Petition or Motion	..	..	..	..	1	6	8
Attending at the Council Chamber all day on an appeal not called on					2	6	8
Attending the hearing of an Appeal, per day	..	..	..	..	3	6	8
Attending a Judgment	..	..	..	..	1	6	8
Approving Draft order	..	..	..	..	0	10	6
Attendances generally	..	..	..	..	0	10	0
Attendances on Counsel where fee is 30 guineas or over	..	..	..	..	1	0	0
Drawing Bill of Costs, <i>per folio</i>	..	..	..	..	0	1	0
Copying Bill of Costs, <i>per folio</i>	..	..	..	..	0	0	6
Attending Taxation of Costs of an Appeal	..	..	..	..	2	2	0
Attending Taxation of Costs of a Petition or Motion	..	..	..	..	1	1	0

	£	s.	d.
Sessions Fee for each year or part of a year from the date of Appearance (in Appeals only)	3	3	0
Letters, etc. (in Petitions)	1	1	0
Letters, etc. (in Appeals), for 1st year	2	2	0
Letters, etc. (in Appeals), for each following year	1	1	0

II

Council Office Fees.

Entering Appearance	1	0	0
Amending Appearance	0	10	0
Examining proof print of Record with the certified record at the Registry (chargeable to Appellant only), <i>per day</i>	2	0	0
Examining proof print of Record with the certified record at the Registry (chargeable to Appellant only), <i>per half day</i>	1	0	0
Lodging Petition of Appeal	3	0	0
Lodging Petition for special leave to appeal	2	0	0
Lodging any other Petition or Motion	1	0	0
Lodging Case or Notice under Rule 60	2	0	0
Setting down Appeal (chargeable to Appellant only)	5	0	0
Setting down Petition for special leave to appeal (chargeable to Petitioner only)	2	0	0
Setting down any other Petition (chargeable to Petitioner only)	1	0	0
Summons	1	0	0
Committee Report on Petition	2	0	0
Committee Report on Appeal			

No. 274.

PAGE 84.

(i) Delete Part IV, Order XXXII, substituted by Correction Slip No. 174, Appendix (the Federal Court Rules, 1942).

(ii) In Part VI, Order XXXV, substituted by Correction Slip No. 174, Appendix (the Federal Court Rules, 1942), *substitute* the words "three weeks" for the words "three months" in rule 15, line 1, and the words "two weeks" for the words "one month" in rule 16, line 1.

[No. 274—Notification No. 9164G., dated the 5th December, 1949. File No. 1P—25 of 1949.] .

Taxing Fee, 6d. for each pound allowed, or a fraction thereof, up to £300, and one per cent., beyond that sum, calculated at the rate of 5s. for each £25, or a portion thereof.

CHAPTER VII.

No. 307.

No. 308.

Page 85, Chapter VII, Rule 2—

(i) After the words "Appeal from Appellate Decree" in lines 1 and 2, *delete* the comma and *add* the following:—

"or in an appeal under clause 15 of the Letters Patent or in a Reference or in any case heard by a Bench of two or more Judges, not being a Full Bench".

(ii) *Insert* a comma after the words "refer the Appeal" in line 4 and *add* the words "the Reference or the Case".

[No. 308. Notification No. 2988G., dated the 30th April, 1953.
File No. 4R—17 of 1953.]

~~FILE NO. 4R—17 OF 1953.~~

In case of necessity in consequence of the absence of any or either of the referring Judges, for the ultimate decision of another Division Court.

4. If the question arises in a Division Court. No. 310.

Page 85, Chapter VII, Rules 6 and 7—

No. 311.

No. 312.

Page 85, Chapter VII, Rule 9—

Add the following as a new Rule 9:—

"9. For the purpose of the above Rules, a Bench of three or more Judges hereafter constituted by the Chief Justice under Rule 1(ii) of Chapter II of these Rules shall be deemed to be a Full Bench. nd-
een
and
tion.

[No. 312. Notification No. 2988G., dated the 30th April, 1953.
File No. 4R—17 of 1953.]

HIGH COURT,
The 28th May, 1953.

B. K. BHATTACHARYA,

[No. 311. Notification No. 2988G., dated the 30th April, 1953.
File No. 4R—17 of 1953.]
Registrar, Appellate Side

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No. 144.

Page 87, Rule 1, Chapter VIII—

Insert the following note under the rule:—

“NOTE.—Until further orders applications may be typed on both sides of the paper.”

(No. 144, Notification No. 7851G., dated the 12th September, 1942.—File No. 1M—247 of 1942.)

—Appeals from a judgment of a Division Court, or a Judge sitting singly; on the Appellate Side of the High Court, shall be presented to the Deputy Registrar, or such other officer as the Registrar may appoint, within 30 days from the date of the judgment appealed from, unless the Court in its discretion, on good cause shown, shall grant further time.

3. The memorandum of appeal shall be drawn up in accordance with the provisions of Order XLI, rule 1, Civil Procedure Code, and shall be subscribed by an Advocate of the Court. It need not be accompanied by a copy of the judgment appealed from. It shall be the duty of the officer to whom the memorandum is presented under rule 2 above to endorse thereon the date of presentation and send the same to the Stamp Reporter, who shall satisfy himself that there is a declaration by the Judge who passed the judgment that the case is a fit one for appeal, and that it is in order and within time.

4. The fee for the issue of notice to the respondents who did not appear in the appeal in which judgment was given shall be paid into Court by the appellant:—

- (a) in the case of an appeal from the judgment of a Judge sitting singly: within 21 days of the date on which the appeal is registered;
- (b) in other cases: at the time of presenting the memorandum of appeal.

5. The Appellant at the time of paying the fee prescribed in the preceding rule shall also file printed forms of notices duly filled up in the manner prescribed in Chapter V, Rule 35.

7. If the appeal is in order and is within time, the officer to whom the appeal was presented shall cause it to be registered. If the appeal is not in proper form, he shall proceed in the manner provided by Chapter V, rule 10 (1).

8. If the process-fee be paid and the notice forms be filed within the period prescribed by rules 4 and 5, the officer in charge of the Judicial Department shall issue the notice of appeal in the prescribed form [see Forms Nos. 7 and 8 (Civil), pages 180 and 181, Appendix I] for service on the respondent, and shall cause the notice to be served on the Advocate, or any one of the Advocates who may have appeared for the respondent in the appeal in which the judgment was given. In any case in which the respondent may not have entered appearance in the appeal in which the judgment was given, the notice shall be served in the mode provided by rules 33 to 47 of Chapter V for the service of notices in ordinary appeals.

9. In every appeal under section 15 of the Letters Patent against the judgment of a Division Court, or of a Judge sitting singly, on the Appellate Side of the High Court, copies of the memorandum of appeal and of the judgments or judgment shall be typed, and four copies shall be prepared for use at the hearing.

10. No charge shall be levied from the parties on account of the preparation of these copies.

11. The paper books prepared for use at the hearing of the original appeal shall be used at the hearing of the Appeal under section 15 of the Letters Patent.

CHAPTER IX.

Preparation of Paper-books.

Part I—General.

1. The printing of Paper-books shall be in accordance with the following directions:—

(a) The Paper-books shall be printed in the form known as demy quarto, *i.e.*, 54 ems (or 9 inches) in length and 42 ems (or 7 inches) in width;

(b) The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches long and $8\frac{1}{2}$ inches wide;

(c) The type to be used in the text shall be pica types but long primer shall be used in printing accounts, tabular matter and notes;

(d) The number of lines in each page of pica type shall be 47, or thereabouts, and every tenth line will be numbered in the margin, *i.e.*, the tenth line will be numbered 10, and the second tenth line 20, and so on.

2. "Editing" the Paper-book includes—

(i) Collecting and arranging the papers required for inclusion in the Paper-book;

(ii) Examining and comparing proofs, or when several copies of a typed Paper-book are prepared, examining and comparing such copies (other than the first copy) with the originals or authenticated copies of English papers or translations where the rules provide for translations;

(iii) The preparation of title pages and indices;

(iv) The general supervision necessary to ensure the accuracy of the record and compliance with the provisions of the Appellate Side Rules with regard to the preparation of Paper-books.

NOTE.—The repetition of unnecessary titles in the document should be avoided and formal portions of documents omitted.

3. Every Paper-book shall have attached to it a fly-leaf in the prescribed form, and giving the particulars required by Rule 42.

4. In urgent cases, upon good cause being shown, the Registrar may allow any party to put in such number of typed copies of the Paper-book as he may consider necessary.

Exception.—In an appeal from original order which is to be heard under Order XLI, Rule 11, Civil Procedure Code, no Paper-book shall be prepared unless and until an order for the service of notice on the respondent has been made.

5. There shall be inserted at the end of one copy of the Paper-book prepared in every case, a statement in form No. 9 (civil), page 182, Appendix I, in which shall be specified each item of the cost incurred in its preparation by the Appellant, and the Respondent, respectively. A copy of the statement shall be served on the party himself by registered post with acknowledgment due, the cost for the same being included in the estimate and deducted from the Initial Deposit.

6. In the case of Appeals, other than Appeals from Appellate Decrees, any surplus remaining after deducting the costs actually incurred by each party from the amount deposited with the Accountant of the Court, may be refunded upon request to the party by whom the deposit was made, or to the Advocate entitled to act for such party.

7. The costs incurred in the preparation of the Paper-books shall be costs in the Appeal, unless as to the whole or any portion thereof the Court which hears the Appeal shall otherwise direct.

8. No order shall be passed exempting any Appellant or Respondent from the—
No. 31.

Page 92, Rule 8, Chapter IX, Part II—

Add the following after paragraph 2 of the Rule:—

“Provided that where compliance with the Rule as to the place of deposit of the Paper-book is not possible, the Paper-book may be deposited at the place of the Registrar, and in such case the Registrar shall place the same in the list of the Paper-books deposited at the Registrar.”
No. 86.

Page 92, Rule 8, Chapter IX—

Substitute the word “fee” for the word “Free” in line 1 of the Rule.
(No. 86, Notification No. 1212G., dated the 30th Jan. 1937.)

any document to be used under this Rule is sent from the Registrar, and is in the vernacular, it shall be accompanied by an English translation certified to be correct by an Advocate or a Translator of this Court.

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9. When these Rules direct or allow any act to be done by, or any notice to be given to, an Appellant or Respondent, such act may be done by, or such notice given to, the Advocate.

9A. In all Second Appeals not exceeding Rs. 50 in value all ~~the~~ **No. 68.** "Appeals from

No. 87.

Page 93, Rule 9A, Chapter IX—

Delete the Note.

(No. 87, Notification No. 63G., dated the 4th January, 1939.) **938.)**

~~Appellate and removal~~ or orders of both the lower courts) for the use of the second Judge of the Bench taking such Appeals. These second copies shall be plain uncertified copies.

NOTE.—Any failure to comply with this rule shall attract the application of Rule 8 of this Chapter.

Part II—Appeals from Original Decrees.

A—General.

ISSUED BY AUTHORITY OF THE HIGH COURT OF JUDICATURE AT FORT WILLIAM
IN BENGAL.

Addenda and Corrigenda to the Rules of the High Court, Appellate Side
(Seventh Edition), 1938.

No. 120

Page 93, Rule 11, Chapter IX—

Add the following *before* the words "Part I of the Paper-book" at the commencement of the rule:—

"Save in cases arising out of the Bengal Money-Lenders Act, 1940,"

(No. 120, Notification No. 2482G., dated the 2nd April, 1942.—
File No. 4B—13 of 1942.)

No. 121

Page 93, Rule 11, Chapter IX—

Add the following immediately *after* clause (j) of the first paragraph of the rule:—

"In cases arising out of the Bengal Money-Lenders Act, Part I shall consist of the following papers:—

(1) The petition for reopening the decree;

(2) Written objection to it, if any;

(3) Oral evidence in this proceeding started by the application for reopening the decree; and

The judgment and decree or
order of the Court.

the appeal is preferred,

In this part shall also be included the following papers when their inclusion is necessary for the purpose of the Appeal, provided that the Registrar, may upon application being made to him, direct that any paper or part of a paper shall not be included in this part :—

- (a) Order-sheet;
- (b) Schedules (if any);
- (c) Report of Commissioners (if any) with maps, depositions, etc., annexed;
- (d) Any other paper, other than an exhibit, on which the decision of the Appeal depends.

Part I shall also contain an Index which shall be drawn up in accordance with the provision of Rule 48 (ii).

Part II of the Paper-book shall consist of exhibits.

NOTE (1).—No finding or conclusion in the decision appealed from will be permitted to be challenged at the hearing of the Appeal unless the material on which such challenge is based is included in the Paper-book.

NOTE (2).—Whenever a map prepared by a settlement or survey authority and issued in printed form is necessary for inclusion in a paper-book, such map being an exhibit in the case, it shall not be necessary to reprint and reproduce such map. It will be sufficient if the requisite number of copies of the map are filed by the party concerned, if such copies can be purchased from the Government or other agents selling the same. Such copies when filed shall be taken as forming part of the Paper-book. If in any case any lines symbols or marks have been drawn, inserted or made in the map by any Survey Commissioner appointed by the Lower Court, or by any witness or party or by the Court itself, such lines, symbols or marks being drawn, inserted or made under the authority of the presiding Judge, those lines, symbols or marks shall be reproduced on the copies of the map filed by the party or parties in the appeal.

12. Upon receipt of the records the Officer in charge of the Judicial Department shall serve a notice on the Appellant requiring him to prepare and deliver to such Officer a list of all papers (other than those mentioned in the first paragraph of Rule 11 above) upon which the decision of the Appeal depends and which the Appellant desires to be included in Parts I and II of the Paper-book at his expense. This list shall be called "The Appellant's List" and shall be divided into two parts. Part I shall contain papers other than exhibits and Part II shall contain the exhibits.

13. Such list shall be in form No. 10 (civil), page 183, Appendix I.

Printed copies of the form of this list will be supplied to the parties or the Advocates entitled to act for them, free of cost, on application to the Forms Clerk.

No. 33.

Page 95, Rule 14, Chapter IX, Part II—

Add the following to the first proviso to the Rule:—

“which may be done by surrounding the portion in pencil.”

(No. 33, Notification No. 11991G., dated the 14th September 1937.)

~~Provided also that ordinarily~~
such as accounts, rent-rolls, etc., shall not be printed in full but the parties, or their legal agents, shall agree to short extracts being printed, if necessary, in tabular form.

15. In Part II of this list the exhibits should retain their original numbers with the proper page numbers attached, the documents should be arranged, as far as suitable, in chronological order, mixing plaintiff's and defendant's documents together, when necessary, but in all cases documents relating to the same series, or to the same subject (e.g., a series of correspondence, or proceedings in a suit other than the one under appeal) should be kept together. A correct and full description of such documents must be given.

16. The Appellant shall, within three weeks after service of the notice required by Rule 12, deliver to the Officer in charge of the Judicial Department his complete list prepared in accordance with the above Rules.

Applications for enlargement of the time allowed under this Rule shall ordinarily be made before the expiry of the prescribed time, shall be duly stamped with a Court Fee of Rs. 2 and shall set forth sufficient grounds in support of the application.

17. On receipt of the list of the papers to be included in Parts I and II of the Paper-book at the expense of the Appellant, the Officer in charge of the Judicial Department shall cause to be prepared estimates of the cost of the preparation of Parts I and II of the Paper-book.

18. As soon as the list is delivered to the Officer in charge of the Judicial Department by the Appellant, the former shall, if the Respondent enters appearance on or before the date mentioned in the notice under Order XLI, Rule 14, Civil Procedure Code, give notice of such delivery to such Respondent. If the Respondent fails to enter appearance on or before the date mentioned in the notice under Order XLI, Rule 14, and if it shall appear that the said notice has been duly served on such Respondent, he shall not, without the leave of the Registrar, obtained upon an application (unstamped) filed simultaneously with the

Vakalatnama explaining the delay in appearing and asking for notice of the Appellant's list, be entitled to file a list of papers for insertion in the Paper-book under Rule 20.

19. Every Respondent, who has entered appearance, shall be entitled to inspect the Appellant's list and, at his own expense, to obtain a copy of the whole or of any portion thereof.

20. Every such Respondent shall, within three weeks after service upon him of the notice required by Rule 18, deliver to the Officer in charge of the Judicial Department a list in duplicate in form No. 11 (civil), page 184, of Appendix I, of the papers, other than those inserted in the Appellant's list, and relevant to the subject matter of the Appeal, to which such Respondent desires that reference shall be made by the Court at the hearing of the Appeal and which shall be inserted in the Paper-book at such Respondent's expense. Such list shall be termed "The Respondent's List" and shall be divided into two parts like the Appellant's List (Rule 12).

20A. The Advocates for the Appellant and the Respondent shall at the time of filling their respective Lists, enter in such Lists the names and correct addresses (with Post Office) of the parties on whose behalf the Lists are filed by them.

21. The Officer in charge of the Judicial Department shall within fourteen days after the delivery by the Appellant and the Respondent of their lists, respectively, make and deliver to the Advocate for such Appellant and to the Advocate for such Respondent separate estimates of the cost of preparing their portions of the Paper-book in form Nos. 12 (civil) and 13 (civil), respectively, pages 185 and 186, of Appendix I. Copies of the estimate shall be served on the parties (Appellant and Respondent) themselves by registered post with acknowledgment due the cost for the same being included in the estimate and deducted from the Initial Deposit.

Every estimate for the cost of the preparation of the Paper-book shall include the cost of transcribing, translating, and printing, etc., the documents mentioned in the first paragraph of Rule 11 above. No revision of the lists filed by the Advocates of either party shall be allowed after the estimates have been prepared and served on the respective Advocates, except under the orders of the Registrar to be

obtained on an application with notice to the other side. The application for revision shall be a verified one but if the revision is agreed to by the opposite party such application for revision need not be verified.

22. The Appellant and Respondent respectively shall deposit with the Accountant of the Court the amount due ~~within the periods~~ Rule 21 within the periods
No. 34.

Page 97, Rule 22, Chapter IX, Part II—

(i) Add the following after the word "estimate" in the last line of clause (a):—

"upon the Advocate for such appellant and respondent respectively."

(ii) Add the following after the word "estimate" in clause (b):—

No. 35.

Page 97, Rule 23, Chapter IX, Part II—

Add the following after the word "whatsoever" in the last line of the last proviso to the Rule:—

"if such application be not made before the actual preparation of the paper book has commenced."

(No. 35, Notification No. 11991G., dated the 14th September, 1937.)

paper be inserted in the Paper-book of the case at the cost of the Appellant:

Provided that if any such application by a Respondent is disallowed by the Registrar, such Respondent shall be at liberty, at that time, to pray for the inclusion of the papers mentioned in his application, in his list (that is, the Respondent's List) at his own cost:

Provided also that if the Respondent has entered appearance out of time he shall not be permitted to pray for the inclusion in, or exclusion from, the Appellant's list of any papers whatsoever.

24. If one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included and the Registrar allows the document to be included, the Order Book and List shall clearly indicate the fact that, and the party by whom, the inclusion of the document was objected to.

25. The Registrar as well as the parties and their legal agents shall endeavour to exclude from the Paper-book all documents (more particularly such as are merely

formal) that are not relevant to the subject-matter of the Appeal, and generally, to reduce the bulk of the Paper-book, as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents.

NOTE (1).—Ordinarily, a long series of documents, such as accounts, rent-rolls, inventories, etc., should not be printed in full; but the parties or their legal agents should agree to short extracts being printed as specimens.

NOTE (2).—Documents produced before the Court of first instance, but not admitted in evidence, shall not be included in the Paper-book except under the orders of the Registrar obtained upon an application (unstamped) with notice to the opposite party. An Advocate desiring to refer to any such document at the hearing of the Appeal before the Court of Appeal, at any time before the Appeal is heard, shall, at any time before the Appeal is heard, apply to the Registrar for an order that the document may be included in the Paper-book, and that the Court may refer to it.

No. 36.

Page 98, Rule 26, Chapter IX, Part II—

Insert the following after Rule 26:—

“26A. In cases in which any paper or papers which included in the paper book under Rule 11 or Rule 67 of Chapter have been omitted from the list, the office shall to the Advocate concerned to the effect that unless the list within four days from the receipt of such notice or an application for exclusion of such paper or papers is obtained upon a statement in writing before the expiry of that period, the paper or papers included in the list under the aforesaid rules, and the Advocate shall proceed to include them on the expiry of the said period if the Advocate is satisfied that it is necessary so to do.”

(No. 36, Notification No. 11991G., dated the 14th September 1919, under the provisions of the Rules of the High Court of Judicature at Calcutta, for the purpose of arriving at proper decision on the Appeal.)

27. If the Respondent does not enter an appearance or does not deliver the list directed by, and within the time prescribed by, Rule 20, and if no order be made under Rule 23, the Paper-book shall be prepared in accordance with the Appellant's list.

28. When two or more Appellants or Respondents have the same interest in the Appeal, one set of list only shall be required from all such Appellants or Respondents. Appellants or Respondents having separate interests shall deliver separate sets of lists. In such cases the principle of Rule 32 shall apply.

29. If any of the papers, which must be inserted in the Appellant's List or in the Respondent's List, was previously printed in a former Paper-book, the fact of its having been so printed must be stated in the list in which such paper is inserted. Such papers shall not be printed unless the Registrar otherwise directs:

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Page 99, Rule 29, Chapter IX, Part II—

For the proviso to the Rule substitute the following:—

"Provided that the party who refers to papers in a previous paper book, but who has not paid for the preparation of such previous paper book, shall pay the charges fixed for the sale of paper books from the Record Department if he requires a copy for his own use, and shall supply a copy at his cost to the other side unless the other side has paid for such previous paper book in which event the copy supplied to him shall not be charged for. If either party contributed to the cost of the previous paper book, copies required for the use of the Court shall not be charged for, otherwise the party referring to papers in such paper books shall pay for the copies required for the use of the Court."

(No. 37, Notification, No. 11991G., dated the 14th September, 1937.)

Appeal without the special leave of the Court. But this rule shall not preclude the Court from referring to any paper to which it considers a reference necessary for the ends of justice.

31. If it subsequently appears that the amount deposited by either party to the Appeal is insufficient to defray the cost of preparing his portion of the Paper-book, or a supplementary Paper-book after remand, the Officer in charge of the Judicial Department shall estimate the additional amount required and shall give notice thereof to such party. Such additional amount shall be deposited by such party with the Accountant of the Court within two weeks after service upon him of such notice. No work in the matter of the preparation of the Paper-book, which is likely to cost more than the sum deposited, should ordinarily be undertaken, until such additional deposit has been made, unless the Registrar shall otherwise direct.

32. When separate Appeals have been preferred by different persons against the same decree, complete lists of the documents which the parties wish to include in the Paper-book shall be delivered by the parties to each

~~Appeal~~ No. 88.

Pages 99-100, Rule 32, Chapter IX—

Add the following as a proviso to the rule:—

"Nothing in this rule shall be construed as authorising the printing of exhibits or documents relating to the same series or to the same subject in a manner contrary to the provisions of Rule 15 of this chapter."

(No. 88, Notification No. 63G., dated the 4th January, 1939.)

cases shall not be served on the parties until such apportionment has been made. This rule shall also apply when

two or more separate Appeals are preferred in analogous cases.

33. If the Appellant fails to deliver his list of papers in accordance with Rule 16, or if the Appellant or Respondent fails to make the deposit or additional deposit, required by Rules 22 and 31, respectively, the Officer in charge of the Judicial Department shall lay the matter before the Registrar, who may, in case of default by the Appellant, cause the appeal to be set down for hearing; and the Court may, unless satisfied that there was reasonable ground for the default, direct the Appeal to be dismissed for want of prosecution or may pass such other order as may seem proper in the circumstances of the case.

No. 5.

No. 38.

Page 100, Rule 34, Chapter IX, Part II—

For the words "within two weeks of the filing of the Vakalatnama authorising an Advocate to file the Appeal" in lines 1 to 3 *substitute* the words "within ten days of the registration of the appeal."

(No. 38, Notification No. 11991G., dated the 14th September, 1937.)

In this Appeal I/we,.....
Appellant/Appellants, declare that the Paper-book will be
prepared by Mr.....
an Advocate of this Court, who is duly qualified to prepare
Paper-books under Rule 35, Chapter IX of the Appellate
Side Rules.

The Officer in charge of the Judicial Department shall thereupon make over to the Advocate so named the duplicate copy of the Respondent's list filed under Rule 20, giving the Respondent notice thereof

or

No. 145.

Page 100, Rule 35, Chapter IX—

Substitute the word "two" for the word "three" in line 2 of the rule.

(No. 145, Notification No. 7851G., dated the 12th September, 1942.—File No. 4R—23 of 1942.)

in the preparation of a Paper-book, may disqualify such Advocate from preparing Paper-books for such period as to it may seem proper.

36. An Advocate duly authorised to prepare a Paper-book shall be required to make a declaration in writing simultaneously with the deposit under Rule 22(a) to the effect that he will himself do the translation work and, in the case of an Appeal valued under Rs. 10,000, a declaration to the effect that he will himself also do the editing. The declaration shall be in the following form :—

In the above Appeal I.....
have been authorised by the Appellant under Rule 34 to prepare the Paper-book in this case. I being eligible under Rule 35 to do so declare under Rule 36, Chapter IX of the Appellate Side Rules, that I shall myself do the translation work (and the editing work)*.

37. (a) An Advocate authorised under Rule 34, who has filed a declaration under Rule 36, shall be afforded all reasonable access to the original record in order to enable him to make transcripts of the papers and do other acts necessary to the preparation of the Paper-book, but he shall not be entitled to remove such original record from the Court's office. Certified transcripts of the papers shall be furnished to him, if he so desires, upon payment of the usual rates.

(b) Such Advocate shall himself deal with the original records made over to him, and is hereby prohibited from entrusting them to the care of any other person. For the purpose of translating and copying documents in any case, he alone will be permitted to have access to the original record of such case.

(c) Such Advocate shall be permitted to utilize the services of one reader or Muharrir to assist him in such work. He must however himself be present and continuously in possession of the records, and on his leaving the office, the records must be returned to the Officer of the Court in charge, and the work of preparing the Paper-book must at once cease, the reader or Muharrir leaving with his employer.

(d) In the case of any Paper-book in which a map has to be inserted such Advocate shall be allowed to utilize also the services of a draftsman, who will be allowed access to the records on the same terms as the reader or Muharrir.

(e) The Advocate filing a declaration under Rule 36 shall examine, at the time of filing such declaration, the

*Strike out in the case of Appeals valued at Rs. 10,000 or over.

lists and estimates prepared for the preparation of the Paper-book and, if he thinks that he requires the assistance of another Advocate for the purpose of inspecting records or preparing lists. In such a case an unstamped application will be accepted."

No. 39.

Page 102, Rule 37(e), Chapter IX, Part II—

Add the following as a note to this sub-rule:—

"*Note.*—The provisions of this sub-rule will not apply to the case of assistance of another Advocate for the purpose of inspecting records or preparing lists. In such a case an unstamped application will be accepted."

(No. 39, Notification No. 11991G., dated the 14th September, 1937.) the provisions of Rule 36.

The provisions of clauses (a) to (d) of this Rule shall apply to all the Advocates thus employed in the preparation of a Paper-book, and they shall be jointly responsible under the Rules of this Chapter for the proper and punctual preparation of the same.

38. (a) The time within which the examination of

No. 40.

Page 102, Rule 38, Chapter IX, Part II—

Insert the following after the word "month" in item (iii) of clause (a) of this Rule:—

"Provided that the Registrar may, upon an application showing sufficient cause, pass a special order granting such extension of time as he may think fit."

(No. 40, Notification No. 11991G., dated the 14th September, 1937.)

(iii) In any other case—one month.

(b) On the completion of the examination of the translations, but not before, and provided that the translations have been properly done and accepted, the Advocate preparing the Paper-book shall be entitled to withdraw the amount due to him for such translations.

39. (a) Translations of the papers shall be submitted for examination within the following limits of time from the date when the deposits required by Rule 22(a) above are made:—

In cases exceeding 5,000 but less than 10,000 vernacular words—one month;

In cases exceeding 10,000 vernacular words—two months;

In cases less than 5,000 vernacular words—three weeks.

(b) Paper-books in Appeals from Original Decrees must be made ready and filed with the Officer in charge ~~within the following limits~~
No. 41.

Page 103, Rule 39, Chapter IX, Part II—

Insert the following after the word "months" in item (iii) of clause (b) of this Rule:—

"Provided that the Registrar may, upon an application showing sufficient cause, pass a special order granting such extension of time as he may think fit."

(No. 41, Notification No. 11991G., dated the 14th September, 1937.)
~~(iii) of Rule 39~~

(c) On the Paper-books being filed, they shall be taxed, and it will be the duty of the Taxing Officer to see that they have been prepared in accordance with these Rules.

(d) When the Taxing Officer is satisfied that the Paper-book has been properly prepared, he shall certify accordingly, and upon such certificate being granted but not before, the balance of the amount due to the Advocate concerned shall be paid to him on application: Provided that the Registrar may, in any proper case, pay the printer's fees to the printer.

40. It shall be the duty of the examiners of Translations to report through the Taxing Officer to the Registrar any case in which the translations have been carelessly, negligently, or imperfectly done, and it shall be the duty of the Taxing Officer to report to the Registrar any case in which the preparation of any other portion of the Paper-book has been carelessly, negligently, or imperfectly done. The Registrar, if he thinks fit, will report any such matter to the Court, who may take action under the proviso to Rule 35, and may either in addition to, or without taking such action, direct that the whole or any portion of such funds, as are lying in the Court, to the credit of the account of the Paper-book concerned be withheld from the Advocate in question, and may pass orders for the disposal of the funds so withheld.

41. When a case is ready for hearing, the Officer in charge of the Judicial Department shall furnish the Advocates engaged on either side with the copies to which they are entitled under Rule 49 or Rule 53. The issue of the Paper-books to the Advocates will be notice to them that the case is ready for hearing.

42. The endorsement on every Paper-book prepared for the use of the High Court at the hearing of the Appeal shall furnish the following information :—

- (a) The number of the cause;
- (b) The name of the Judge of the Court below;
- (c) The names of the parties and their Advocates;
- (d) The date of the institution of the suit;
- (e) The date of the lower Court's judgment;
- (f) The date on which the Appeal was filed;
- (g) The date on which the Appeal was decided; and
- (h) The date on which the decree was signed.

43. In Appeals in which the Respondent shall not have appointed an Advocate up to the date of the preparation of the Paper-book, an Appendix containing the deposition of the serving officer and the return and the remarks of the lower Court as to the service shall be added to the Paper-book either in transcript or translation, according as they may be in English or in the vernacular.

44. The supplementary Paper-book after the receipt of finding of a lower Court in a case referred under Order XLI, Rules 25 and 27, Civil Procedure Code, shall be governed by the Rules of this Chapter.

45. Notwithstanding anything contained in these Rules, the Registrar may, upon application made to him, direct that, in Appeals below Rs. 5,000 in value in which if Parts I and II of the Paper-book were printed, the total number of pages contained in the Paper-book would be 25 or less, 12 typewritten copies of the Paper-book shall be prepared at the cost of the parties. In such cases, the Appellant and the Respondent, if the latter enters appearance, shall be entitled to have, free of charge, as many copies of the Paper-book, not exceeding four on either side, as they may have Advocates engaged in the Appeal. In any case, they shall each be entitled to two copies. Additional copies over and above those which may be supplied to the parties free of charge under this rule shall be charged for.

B—Appeals from Original Decrees valued under Rs. 10,000.

46. (1) Paper-books in Appeals valued under Rs. 10,000 shall be prepared entirely in the office of the Advocate for the Appellant and the Advocate concerned will be free to print his Paper-book in any press he chooses whether such press be on the list referred to in Rule 54 or not, but the Advocate will be responsible to the Court that the Paper-book has been prepared and printed with due care and diligence. Bad work on the part of the press will bring the Advocate concerned within the mischief of the proviso to Rule 35.

(2) The examination of translations shall be done on the fee system by a panel of Examiners formed for the purpose from the practising Advocates of the Court (to be known as the "Below" panel), a list of Advocates forming such panel being maintained in the office of the Court from which the Respondent will select an Examiner for examining the translations made by the Appellant's Advocate.

Provided—

(a) That if the Respondent fails to enter appearance by the time the Appellant submits his translation for examination he shall lose his privilege to select the Examiner, and the translation shall be examined by an Examiner from the "Below" panel to be selected by the Registrar;

(b) That where it appears to the Registrar that a particular Examiner is overworked and another is underworked; it shall be open to the Registrar to call for a fresh nomination or to direct that the work be done by some other Advocate on the panel;

(c) That if the Advocate for the Respondent is on the panel of Examiners, it shall not be competent for him to nominate himself;

(d) That where two or more Advocates appear for one Respondent or set of Respondents and select different Examiners the nomination by any one of such Advocates first received by the office should prevail and that, subject to that condition, the nomination by one of the Advocates appearing for the principal Respondent should have preference over the nomination by the Proforma Respondent.

(3) The Paper-books must be prepared within the period specified in Rule 39 but in calculating the said period the time actually taken in examining the translation shall be deducted.

47. The estimate for the preparation of the Paper-books in such Appeals shall state separately the cost of translating, editing, printing, etc., at the following rates :—

No. 128

Page 106, Rule 47, Chapter IX—

In the rule the figure "19" shall be substituted for the figure "24" in line 1 of clause (g).

(No. 128, Notification No. 4416G., dated the 22nd June, 1942. File No. 1M—145 of 1942.)

per rupee, three figures being counted as one word;

- (d) Copying at the rates specified in Chapter XIII;
- (e) Editing the Paper-book at eight annas a page, if it is printed, and at five annas a page if it is typed;
- (f) Lithographing, drawing or tracing maps (where necessary)—actual cost;
- (g) Printing fee for 24 copies (ordinary matter with marginal notes)—actual cost, not exceeding Re. 1-2 per page; tabular matter—actual cost;
- (h) Taxing the Paper-book costs at annas two per page.

NOTE (1).—The above rates are liable to alteration.

(2) The charge for editing includes the charge for Indexing, if the Paper is printed, and that for stationery if the Paper-book is typewritten.

(3) If the document to be translated is in any language other than the vernacular of Bengal and Assam, the rates prescribed by Rule 8 and the note thereunder in Chapter XII will apply.

(4) Each item of cost in the preparation of the Paper-book at the rates specified above should be calculated to the nearest anna (fraction, below half an anna being omitted and half an anna or over being reckoned as one anna).

The entire cost estimated as above shall be deposited with the Accountant of the Court and from such deposit the Court's office will keep the undertaking Advocate

supplied with funds to carry on the work of the preparation of the Paper-book. When the Paper-book is finally prepared the cost shall be taxed under the direction of the Registrar.

48. The Paper-books for the use of the High Court in such Appeals shall be printed and edited in accordance with the following directions:—

(i) The printed Paper-book shall consist of two parts in the same volume, where practicable, viz., Part I and Part II. Part I shall contain the record of the proceedings in the lower Court, and shall include all the papers mentioned in Rule 11. These should be printed strictly in chronological order, that is, in the same order as the Index. Part II shall contain the exhibits and documents relevant to the subject-matter of the appeal which should be arranged in the manner prescribed in Rule 15, each document to show its exhibit mark and whether it is a plaintiff's or defendant's document (unless this is clear from the exhibit mark). Each Part should be paged at the foot of each page. The heading to each document should consist of the number of exhibit mark and the description of the document in the Index with the date, and the corresponding English date must be given if the document is dated in Bengali fashion.

No. 129

Page 107, Rule 48 (ii), Chapter IX—

In the rule—

- (i) the words “an Index arranged” shall be substituted for the words “two Indices, one in chronological order and the other” in lines 3 and 4;
- (ii) the words “This Index” shall be substituted for the words “These Indices” in line 4.

(No. 129, Notification No. 4416G., dated the 22nd June, 1942. File No. 1M—145 of 1942.)

...document in Part I or II of the Paper-book is dated according to Bengali fashion, the corresponding English date of such document must be entered in the Index.

(iii) All papers which are not in English shall be translated into that language. Such translation and the original English papers shall be arranged and printed in Parts I and II in the order prescribed by the first sub-clause of this Rule.

(iv) Maps forming part of a Paper-book shall be included in the Index, but shall not be bound up with the other papers in the Paper-book. Such maps shall be drawn or printed on durable paper and they shall form a separate packet with a separate list.

Translations of vernacular phrases or figures that form part of a map must be submitted on a correct tracing of the map in question.

(v) Each document shall have a marginal note which is to be repeated on each page over which the document extends, viz. :—

- (a) The short name of the Court shall first appear,
- (b) The marginal note of the document shall then appear consisting of the number and description of the document in the Indices with the date except in the case of oral evidence,
- (c) In the case of oral evidence "plaintiff's evidence" or "defendant's evidence" shall appear beneath the name of the Court and then the marginal note consisting of the number in the Indices and the witness's name with "examination" "cross-examination" — " the

No. 12.

PAGE 108, CHAPTER IX, PART II, RULE 49—

No. 130

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Page 108, Rule 49, Chapter IX—

In the rule—

- (i) the word "Nineteen" shall be substituted for the word "Twenty-four" in line 1 ;
- (ii) the figure "5" shall be substituted for the figure "10" in line 5 ;
- (iii) the figure "19" shall be substituted for the figure "24" in line 15.

(No. 130, Notification No. 4416G., dated the 22nd June, 1942. File No. 1M—145 of 1942.)

Advocate of the Court

appeared for each set of Respondents;

Subject to a maximum of seven copies on either side if 24 copies have been printed. If on this basis, less than 14 copies have been distributed between both sides, additional copies up to that number may be supplied for use at the hearing on application to the Officer in charge of the Judicial Department; but the latter should, if possible, retain copies for such of the Respondents who may still enter appearance in the Appeal.

*C—Appeals from Original Decrees valued at
Rs. 10,000 or over.*

50. Paper-books in all Appeals valued at Rs. 10,000 or over shall be prepared entirely in the Court's office subject to the condition that only translations shall be made by the Appellant's Advocate, the examination of such translations being done on the fee system by a separate panel of Examiners (to be known as the "Above" panel) appointed by the Court for this purpose.

Such Paper-books must be prepared within the period specified in Rule 39. Delay on the part of Editors and Examiners of Translations will be no excuse for extending the time. But such delays will be reported immediately on their occurrence to the Registrar by the office for necessary orders, and the Registrar may then, in proper cases, extend the time for the preparation of the Paper Books.

51. The estimate for the preparation of the Paper-books in such Appeals shall be prepared in accordance with the particulars in Rule 47 above, except that—

(i) For "eight annas" in clause (e) should be read "ten annas";

(ii) For "24 copies" in clause (g) should be read "64

No. 131

Page 109, Rule 51, Chapter IX—

In the rule clauses (ii) and (iii) shall be omitted and clause (iv) renumbered as clause (ii).

(No. 131, Notification No. 4416G., dated the 22nd June, 1942. File No. 1M—145 of 1942.)

No. 132

Page 109, Rule 52, Chapter IX—

In the rule the words "with the additional direction....." separate sheet" occurring at the end of the rule shall be omitted.

(No. 132, Notification No. 4416G., dated the 22nd June, 1942. File No. 1M—145 of 1942.)

the directions in Rule 48 above, with the additional direction that the printing of each separate document and exhibit shall begin on a separate sheet.

No. 133*Page 110, Rule 53(a), Chapter IX—*

In the rule—

- (i) the figure "19" shall be substituted for the figure "64" in line 2;
- (ii) the portion of the rule commencing with "24 copies" in line 2 and ending with the word "filed" in line 7 shall be omitted.

(No. 133, Notification No. 4416G., dated the 22nd June, 1942. File No. 1M—145 of 1942.)

No. 134**No. 264.**

PAGE 110, RULE 53 (b), CHAPTER IX—

Delete the "Note" as inserted by Correction Slip No. 134.

[No. 264—Notification No. 1081G., dated the 8th February, 1947. File No. 1M—191 of 1947.]

"...with the rules in this Chapter together with the papers to be included in accordance with the provision of Chapter VI of these rules."

(No. 134, Notification No. 4416G., dated the 22nd June, 1942. File No. 1M—145 of 1942.)

D—Analogous Appeals from Original Decrees and Orders, some valued under, and some at or over, Rs. 10,000.

55. In analogous Appeals from Original Decrees and Orders some of which are valued below and some at Rs. 10,000 or above, all the Appeals shall be treated as Appeals valued at Rs. 10,000 or above, for the purpose of the preparation of the Paper-books, unless on a verified petition duly filed, the Advocate for any party obtains orders of the Registrar for relaxing the Rule in any particular case.

No. 69.*Page 110, Chapter IX—*

For the heading "Part III—Appeals from Appellate Decrees" substitute the following:—

"Part III—Appeals from Appellate Decrees or Orders."

(No. 69, Notification No. 14880G., dated the 20th December, 1938.)

(c) Any judgment or orders of remand passed in the case either by the lower appellate Court in Appeal or by the High Court on Second Appeal;

(d) The Memorandum of Second Appeal;

No. 70.

Pages 110-111, Rule 56, Chapter IX—

(a) *Substitute* the words “Decrees or Orders” for the word “Decree” in the second line of this Rule.

(b) *Substitute* the following for the Notes under this Rule:—

“NOTE (1).—If any ground taken in a memorandum of appeal necessitates a reference to the plaint, written statements or any documents other than those mentioned above, the appellant shall, at the time of the preliminary hearing under Order XLI, Rule 11, Civil Procedure Code, provide for the use of the Court, two typewritten copies of such pleadings or documents, or, if they are not in the English language, typewritten copies of translations thereof and such documents shall form part of the Paper Book. If he fails to provide such copies he shall not be heard in regard to such ground or grounds except with the leave of the Court.

Before the hearing of the appeal, serve on the Advocate for the Respondent typewritten copies of the translations of such plaints or written statements, and shall also provide two such typewritten copies for the use of the Division Court.

No. 135

Page 110, Rule 57, Chapter IX—

In the rule, as inserted by correction slip No. 71, the following Note shall be added:—

“Note.—The Paper-Book shall be typed on both sides of the paper.”

(No. 135, Notification No. 4410G., dated the 22nd June, 1942. File No. 1M—145 of 1942.) *See P.S. 112*

the Bengal Tenancy Act, and in Second Appeals from Orders (including orders under Section 47, Civil Procedure Code) irrespective of the value of such Appeals, and in Appeals from Remand Orders under Order XLI, Rule 23, Civil Procedure Code, in which the valuation of the Appeal does not exceed Rs. 50, the Registrar shall cause to be prepared three typewritten copies of the Paper-book as aforesaid for the use of the Judges and the Advocate for the Deputy Registrar, if any, and no charge shall be levied from the parties on account of the preparation of such Paper-books. If there is no Advocate on behalf of the Deputy Registrar representing any minor, then the spare copy of the Paper-book (third copy) may be sold at Rs. 3, if the Appellant or the Respondent desires to purchase the same.

No. 71.*Pages 111-114, Chapter IX—**Delete Rules 57-65 and insert the following as Rules 57-62:—***No. 136***Page 110, Rule 59, Chapter IX—*

In the rule—

- (i) the following shall be inserted after the words "two copies" in
 "(in cases exceeding Rs. 2,000 in value and one copy in other cases)";
- (ii) the existing Note shall be numbered as Note 1 and the following as Note 2:—

"Note 2.—When an appeal not exceeding Rs. 2,000 has for any reason to be heard by a Division Bench of two Judges or more, the Appellant may be required to file the necessary number of additional copies for the use of the Court."

(No. 136, Notification No. 4416G., dated the 22nd June, 1942, No. 1M—145 of 1942.)

Officers in charge of the Judicial Department shall serve a notice on the Advocates, who have arrived the day before the hearing.

No. 98.

PAGE 112, CHAPTER IX, RULE 59, AS INSERTED BY CORRECTION, No. 71—

Add the following as a Note to the Rule—

"NOTE.—The notice mentioned in this Rule shall be served on the Advocate for the Appellant after the dates fixed for the appearance of the respondents have expired."

(No. 98, Notification No. 6448 G., dated the 19th June, 1942, by the Advocates for the Appellant, the Respondents and the Deputy Registrar, at the final hearing. The Appellant shall deposit Rs. 5 per appeal for the next four appeals and annas 6 for every appeal thereafter, the additional charge for analogous appeals not exceeding Rs. 5 in any case.)

No charge shall be made for the copy, if any, served on the Deputy Registrar of the Court as guardian *ad litem* of a minor Respondent.

The Appellant on his filing the requisite number of Paper Books shall be entitled to withdraw the amount or amounts deposited by the appearing Respondent or Respondents.

If a Respondent requires additional copies of the Paper Book he shall deposit Rs. 5 per copy with the Accountant of the Court and the Appellant shall be at liberty to withdraw the same upon production of an acknowledgment of receipt of Paper Book from the Respondent.

NOTE 1.—Where analogous appeals have been presented in separate batches each batch of such appeals presented by the same Appellant, or by the same Advocate representing different Appellants, shall be considered as a separate batch of analogous appeals and the charge in respect of Paper Book shall be calculated for each batch of such appeals separately.

After Rule 59 insert the following as Rule 59A:—

“59A. As soon as the paper book has been prepared in accordance with the preceding Rule, the Registrar shall serve two copies on the Advocate for the appellant and shall include the case for hearing under Order XLI, Rule 11, C.P.C. If the appeal is admitted under Order XLI, Rule 11, C.P.C., the Advocate for the appellant shall be served with a notice in Form No. 25 (Civil) calling upon him to return his copies of the paper book for being examined with the original record and shall return the said copies for the said purpose within three days of the receipt of the said notice.”

(No. 42, Notification No. 11991G., dated the 14th September, 1937.)

~~under Chapter X of the Bengal Tenancy Act, the Appellate~~

No. 99.

PAGE 113, CHAPTER IX, RULE 60, AS INSERTED BY CORRECTION SLIP
No. 71—

Cancel the full-stop after the word “documents” in line 6 of the Rule and then *insert* the following:—

“other than those to be included in the paper-book under Rule 56 of this Chapter”.

(No. 99, Notification No. 6448 G., dated the 19th June, 1939.)

T. H. ELLIS,
Registrar.

HIGH COURT,
APPELLATE SIDE,

The 14th December, 1939.

to each set of Respondents who ~~must appear~~
separate Advocates.

NOTE.—In a case in which some of the analogous Appeals are above Rs. 50 in value and some below Rs. 50 in value the principle of the above Rule shall apply to the whole batch.

61. Where analogous Appeals have been presented in separate batches each batch of such Appeals presented by the same Appellant, or by the same Advocate representing different Appellants, shall be considered as a separate batch of analogous Appeals and the cost of preparation of the Paper-book shall be deposited for each batch of such Appeals separately calculated according to the provisions of Rule 60.

In the case of single Appeals presented by different Advocates, or Appellants in person, such cost shall be deposited as provided in Rule 59 for each such separate Appeal, notwithstanding that such Appeals may be analogous to others.

62. If in a Second Appeal above Rs. 50 in value an Advocate desires to move the Court for an order for stay of execution in the lower Court under Order XLI, Rule 5, Civil Procedure Code, on the same day that an Appeal is filed, and if the Appeal is in order and is accepted by the Stamp Reporter, the Advocate shall provide a copy of the Memorandum of Appeal with annexures for the use of the 2nd Judge at the preliminary hearing. If such Appeal is admitted under Order XLI, Rule 11, Civil Procedure Code, the sum of Rs. 10 or Rs. 12 shall be deposited (as required by Rule 59), but if the Appeal is dismissed no such deposit need be made.

63. No work in the matter of the preparation of the Paper-book shall be undertaken until the deposit required under the provisions of Rule 59, has been made by the Appellant, unless the Registrar shall otherwise direct.

64. In case of the Appellant or the Respondent failing to make the necessary deposit under Rule 59, the Officer in charge of the Judicial Department shall lay the matter before the Registrar who may at once cause the Appeal to be set down before the Division Court for orders. If the Appellant or the Respondent fails to satisfy the Court as to the delay, the Appeal may be dismissed for want of prosecution, or may be decreed *ex parte*, as the case may be, or the Court may pass such other order as it may deem proper.

65. Additional Paper-books over and above those which may be supplied to the parties under Rule 59 shall be charged for at the rate of Rs. 5 per copy.

66. When a case is ready for hearing the Officer in charge shall

No. 43.

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appendix
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Page 114, Rule 66, Chapter IX, Part II—

General Warning List"

No. 73.

Page 114, Chapter IX—

Insert the word "Original" before the word "Orders" in the heading "Part IV—Appeals from Orders."

(No. 73, Notification No. 14880G., dated the 20th December, 1938.)

Pages 114-115, Chapter IX—

Renumber Rules 66 and 67 as Rules 63 and 64 respectively.

(No. 72, Notification No. 14880G., dated the 20th December, 1938.) 000

or valued at Rs. 10,000 or more, shall apply, respectively, to every First Appeal from an Order of the like value (including an Order under Section 47, Civil Procedure Code), passed by a Subordinate Court not being an Order under Order XLI, Rule 23 of the same Code, with the following modifications :—

No. 119

Page 115, Rule 64, Chapter IX—

After clause (e) of item (A), add the following :—

No. 122

Page 115, Rule 64, Chapter IX—

Substitute the words "The relevant portions of the order-sheet;" for the words "The order-sheet;" in clause (a) of item (A).

(No. 122, Notification No. 2482G., dated the 2nd April, 1942.—File No. 4R—13 of 1942.)

HIGH COURT,

The 23rd May, 1942.

K. C. DAS GUPTA,

Registrar, Appellate Side.

been taken or put in with reference to the application or proceeding, and which is necessary for the decision of the Appeal;

(b) Any other papers to which reference may be necessary for the decision of the Appeal.

(B) That the Appellant's list shall be delivered to the Officer in charge of the Judicial Department within one week after the service of notice of the arrival of the record.

(C) That the Respondent's List shall be delivered to the Officer in charge of the Judicial Department within one week of the service upon him of notice of the filing of the Appellant's List.

(D) That the declaration signed by the Appellant himself required by Rule 34 of this Chapter shall be filed with the Officer in charge of the Judicial Department within one week after admission of the Appeal under Order XLI, Rule 11 of the Civil Procedure Code.

68. (1) In Second Appeal from Orders (including Orders under Section 47, Civil Procedure Code), irrespective of the value of such Appeals, and in Appeals from

Pages 115-116, Rule 68, Chapter IX—

Omit the Rule.

(No. 74, Notification No. 14880G., dated the 20th December, 1938.)

Page 116, Rule 74, Chapter IX—

Insert the following note under the rule as inserted by Correction Slip No. 44 and renumbered by Correction Slip No. 75:—

"Note.—Until further orders the paper book shall be typed on both sides of the paper."

(No. 146, Notification No. 7851G., dated the 12th September, 1942.—File No. 1M—247 of 1942.)

section Act (XXXIX of 1925) shall be governed by the following Rules:—

74. (a) On receipt of the record from the lower court the Officer-in-charge of the Judicial Department shall serve a notice on the Advocate for the appellant informing him of the arrival of the record and calling upon him to prepare and file within seven days of the service of such notice a list of the papers which he considers to be necessary for the decision of the appeal.

(b) If the respondent enters appearance within the time allowed for such appearance, the Officer-in-charge of the Judicial Department shall serve a notice calling upon him to inspect the list filed by the appellant and state within seven days of such service whether he wishes any other papers to be included in the paper book of the case:

Provided that the Registrar may for good and sufficient reason extend the time allowed under the foregoing sub-rules by such periods, not exceeding seven days, as to him may seem proper.

75. If the respondent considers that any paper or portion of a paper which ought to have been inserted in the appellant's list under the provisions of rule 74(a) has been omitted therefrom he may, within the period specified in Rule 74(b), and after giving notice to the appellant of his intended application apply to the Registrar for an order that

Page 116, Chapter IX, Part II—

Insert the following new Rule as Rule 82 in Chapter IX under the new heading:—

"VII—Appeals against orders of the Calcutta Improvement Tribunal.

82. For purposes of this Chapter, appeals against orders of the Calcutta Improvement Tribunal shall be treated as appeals from original decrees."

(No. 61, Notification No. 4670G., dated the 12th April, 1938.)

No. 147.

Page 117, Rule 1, Chapter X—

Insert the following note under the rule:—

“NOTE.—Until further orders applications may be typed on both sides of the paper.”

(No. 147, Notification No. 7851G., dated the 12th September, 1942.—File No. 1M—247 of 1942.)

... *mutatis mutandis*, to that prescribed in Appeals from Appellate Decrees (See Chapter V, rule 6).

3. Every application for review shall be accompanied by a certified copy of the judgment or order complained of, and of the decree, if necessary; and when the application proceeds on the ground of a discovery of fresh evidence, certified copies of the documents, if any, relied upon, shall be annexed to the application, together with an affidavit setting forth the circumstances under which such discovery has been made.

4. Every application for review of judgment shall be presented to the Stamp Reporter, who will certify thereon whether the petition is in due form, within time, and properly stamped, or that it is irregular, and shall return the petition with such certificate.

5. Within seven days of the return of the application by the Stamp Reporter, the applicant, either in person or by an Advocate, shall present the application by way of motion in open Court to the Division Court of whose judgment a review is sought; or, if the Judges of such Division Court be not sitting together, to the senior of such Judges who may be then attached to the Court and present.

6. If an application for review of a judgment cannot be heard in the manner provided in Order XLVII, rule 5, Civil Procedure Code, such application shall be presented by the applicant or his Advocate with the certificate of the Stamp Reporter, as required by rule 4, to the Chief Justice, who shall provide for the hearing of the application.

7. No copy of a decree or judgment presented or filed with an application for review which has been granted shall be returned. No affidavit accompanying an application for review shall be returned, whether such application has been granted or not.

8. If notice is issued to the other side, the applicant for review shall, before hearing, file a duplicate typed copy of the application, together with two typed copies of each of the following documents :—

(i) The judgment or order complained of, and the decree, if necessary.

(ii) Any affidavit filed with the application.

(iii) Any affidavit in reply.

(iv) When the application proceeds on the ground of a discovery of fresh evidence, the documents, if any, relied upon, together with an affidavit setting forth the circumstances under which such discovery has been made.

NOTE.—Applications for copies of the documents mentioned above shall be governed generally by the rules contained in Chapter XIII.

CHAPTER XI.

No. 148.

Page 119, Rule 1, Chapter XI—

Insert the following note under the rule:—

“NOTE.—Until further orders applications may be typed on both sides of the paper.”

(No. 148, Notification No. 7851G., dated the 12th September, 1942.)

T. H. ELLIS,
Registrar, Appellate Side.

HIGH COURT.

The 24th November, 1942.

IN WHICH THE COURT DIRECTS THE ISSUE OF NOTICE, shall be sent to the Superintendent and Remembrancer of Legal Affairs.

3. In cases decided by the Presidency Magistrates of Calcutta which come before this Court on appeal, on revision, or on motion, in which notice is issued, a copy of the notice shall be sent to the Commissioner of Police, Calcutta, and in revision cases copies of the petition and affidavit shall also be sent.

4. On every Saturday the Registrar shall cause to be prepared and posted on the Notice Board a list of the cases which are likely to be ready for hearing during the following week. This list shall be called the “Weekly Cause List” and shall contain the cases in which the paper-books are ready or likely to be ready during the following week.

5. From this list the Registrar shall cause to be prepared every day a list of cases for hearing on the following day and shall cause them to be entered in the Daily Cause List.

6. The Registrar shall cause to be prepared and posted every morning on the Notice Board outside the Court where the senior Judge of the Bench taking undefended criminal cases sits, a typewritten copy of the list of such cases as are ready for hearing. In the last column of this list shall be shown the date when a case was entered for the first time in this list and no case shall be heard until the expiry of 7 days from the date of such entry. This list shall be called the “Undefended Cause List.”

7. The following time-table shall be observed in fixing the time to be allowed for the appearance of Counsel, service of notices, etc., in all criminal cases coming before the High Court on appeal, reference or revision—and in issuing notice it shall be stated that the case will be heard on the date provisionally fixed according to the time-table or as soon thereafter as the business of the Court permits:—

Time-table.

(This table came into force on the 1st July, 1904.)

Division.	District.	Number of days allowed by the High Court in Criminal Appeals from date of receipt of petition of appeal for appearance of Appellant, or his Counsel, or authorised Agent (Sections 421 and 422, Criminal Procedure Code).	
		Section 421.	Section 422.
Burdwan	Burdwan	7	14
	Birbhum		
	Bankura		
	Midnapore		
	Hooghly and Howrah		
Presidency ..	24-Parganas including Calcutta	7	14
	Nadia		
	Murshidabad		
	Jessore		
	Khulna		
Rajshahi ..	Rajshahi	7	14
	Dinajpur		
	Jalpaiguri		
	Darjeeling		
	Malda		
	Rangpur		
Dacca ..	Pabna and Bogra	7	14
	Dacca		
	Mymensingh		
	Faridpur		
	Bakarganj		
Chittagong ..	Tipperra	7	14
	Noakhali		
	Chittagong		
Surma Valley ..	Sylhet	14	21
	Cachar		
Assam Valley ..	Goalpara	14	21
	Kamrup		
	Darrang		
	Nowgong		
	Sibsagar		
	Lakhimpur		

8. (a) In every case (1) in which an accused person is ordered by the High Court to be released (whether from jail or from bail) or to surrender to his bail to serve out the sentence of imprisonment imposed upon him on being convicted by the High Court on reference or on appeal by the Local Government or on the dismissal of an appeal
No. 89.

Page 121, Rule 8(a), Chapter XI—

Substitute the word "Provincial" for the word "Local" in line 6.

(No. 89, Notification No. 1212G., dated the 30th January, 1939.)

signed.

Provided that if it is not possible to obtain the signature or signatures of the Judge or Judges on the day on which the order is passed, the matter should immediately be brought to the notice of the Registrar. If one Judge of a Bench has signed the order the substance of it shall be communicated to the Lower Court, immediately, with a note that the copy of the order proper will follow.

(b) Orders for the release of an accused person from jail or from bail or for his surrender to bail shall not be communicated by telegram.

9. In cases in which an accused person makes an application to the High Court for the transfer of his case from one Court to another, the accused person, or the Advocate acting on his behalf, shall file with the application a duplicate copy of the notice given to the Superintendent and Remembrancer of Legal Affairs in accordance with the provisions of section 526, clause (6), Criminal Procedure Code, and such notice must bear the signature of a responsible officer in the office of the Legal Remembrancer, acknowledging receipt of the notice and noting the time of receipt.

10. Unless the Court otherwise directs, an application which is presented to the Court shall, in the first instance, be given to the Bench Clerk, who shall satisfy himself that it is properly stamped, and is in proper form. If he is not so satisfied he shall return it at once to the Advocate concerned.

B—Cases involving Capital Sentences.

11. On receipt of a reference under section 307 of the Criminal Procedure Code in which the accused is charged with the offence of murder, or a reference under section 374 of the Code, or under section 3 (2) of the Bengal Criminal Law Amendment (Supplementary) Act, 1925, or

under section 15 (2) of the Assam Criminal Law Amendment Act (III of 1934), or an appeal under section 3 (1) of the Bengal Criminal Law Amendment (Supplementary) Act of 1925 or section 15 (1) of the Assam Criminal Law Amendment Act of 1934 or on the admission of an appeal under section 417 of the Criminal Procedure Code against the acquittal of an accused on a charge of murder, the Registrar shall at once give notice [see forms Nos. 1 (criminal), 2 (criminal), 4 (criminal), 5 (criminal) and 12 (criminal), pages 198-201 and 203, Appendix II] to the prisoner or the accused through the District Magistrate of the date fixed for hearing such matter, which date shall be determined in accordance with the table prescribed by rule 7 of this Chapter.

12. After notice has been given in the manner prescribed by rule 11 above the Registrar shall cause the record to be examined and entered in the prescribed registers.

13. If the record is in order, the Registrar shall at once cause the record of the Sessions Court to be printed without delay for the use of the Division Court at the hearing.

14. The paper-book, shall contain the following papers:—

- (a) the first information, if any;
- (b) the Magistrate's charge with the list of witnesses;
- (c) statement under section 164, if any;
- (d) examination under sections 342 and 364, if any;
- (e) the commitment order;
- (f) *post mortem* report, Chemical Examiner's report, Inquest Report (if any), map (if any);
- (g) the record of evidence in the Court of Sessions, with any further examination under section 364, if any;
- (h) Assessors' opinions, if any;
- (i) the heads of charge to the Jury;
- (j) the verdict of the Jury;
- (k) the judgment of the Sessions Judge;
- * (l) exhibits (if any);
- (m) petition of appeal (if any); and
- (n) the letter of reference in the case of a reference.

*NOTE.—In any appeal filed by an Advocate, exhibits or parts of exhibits whose omission is agreed upon by such Advocate and the Deputy Legal Remembrancer, may be omitted from the Paper-book.

Page 123, Chapter XI, Rule 15 (as amended by slip No. 137)—

In the rule, for the word "eleven", the word "fourteen" shall be substituted.

[No. 278. Notification No. 4060G., dated the 22nd June, 1950. File, No. 1P—7 of 1950.]

(No. 6, Notification No. 1129 G., dated the 25th January, 1937.)

N. L. HINDLEY,
Registrar (offg.).

**HIGH COURT,
APPELLATE SIDE,
CALCUTTA,**

The 3rd March, 1937.

—, confirming the sentence.

— issue of the

C—Appeals.

17. A criminal appeal, other than a jail appeal, shall be presented to the Registrar.

18. The Registrar shall endorse on such petition of appeal the date of presentation, and if the petition of appeal is not barred by limitation, is sufficiently stamped and is otherwise in order, he shall cause it to be registered and laid before the Bench without delay.

19. If the Registrar finds that an appeal is barred by limitation, he shall forthwith lay the same before the Court for orders. If he finds that the Memorandum of Appeal is insufficiently stamped, or is not in proper order, he shall upon the matter being laid before him—

(a) in the case of a memorandum which is insufficiently stamped, fix a period within which the additional fee required may be paid, provided that the period of limitation has not expired; or, if such period has expired, lay the memorandum before the Court for orders;

(b) in the case of a memorandum which is not in proper form, fix a period within which such memorandum must be amended or lay the same before the Court for orders.

20. When an appeal has been admitted, the Registrar shall send for the record, fix a date for hearing, and cause notices to issue in the prescribed form [see form Nos. 4 and 5 (criminal), pages 200 and 201, Appendix II].

Page 124, Chapter XI, Rule 21—

Substitute the following for the first paragraph of the Rule:—

"In every case in which notice has been issued on the appellant that an appeal will be heard, the Registrar shall, on receipt of the record from the Lower Court, have prepared, by the same impression, four typed copies of the record of the proceedings of the Court whose sentence or order is under appeal, the first two copies being retained for the use of the Division Court at the hearing, the third copy for the Legal Remembrancer and the fourth for supply, free of cost, to the Advocate appearing for the accused or for the first accused where there are more accused persons than one."

[No. 279. Notification No. 4713G., dated the 24th July, 1950. File No. 4R—34 of 1950.]

(3) in cases or appeals and applications to be heard by a single Judge under the proviso to rule 9, Chapter II of these rules.

NOTE.—The papers forming the "A" file of the Sessions record, which are specified in Rule 3, Chapter III, pages 72-75, Volume I, of the High Court's General Rules and Circular Orders (Criminal), the Injury Report and Maps, if any, and the petition of appeal to the High Court, shall always be incorporated in the paper-book but no exhibits shall be incorporated in the paper-book without special directions from the Division Court. Any party desirous of having any exhibit or exhibits so incorporated should apply to the Division Court, preferably at the time the appeal is admitted for hearing.

22. Jail appeals may be received by post. In the case of such appeals the Registrar shall cause a translation of the petition of appeal to be prepared (if necessary) and shall submit it to the Bench for orders.

23. If a jail appeal is admitted, it shall be dealt with in the manner prescribed for appeals which are filed in Court.

D—Revisions and References .. .. .	124-127

24. Cases (other than those mentioned in the preceding rules) may be taken up in revision in the following way:—

- (a) upon a report by a Magistrate or Sessions Judge;
- (b) upon a petition presented to a Bench;
- (c) upon an order by a Judge on perusal of a Sessions statement.

25. Every report with a record received from a Magistrate or Sessions Judge shall be examined to see if it complies with the instructions of the High Court to Magistrates and Sessions Judges and is in proper form.

26. If such report complies with the instructions and is in proper form, the Registrar shall place the case before the Division Court.

27. Unless otherwise ordered, no copies need be made of the records—

(1) in case where no pleaders appear;

(2) in case where pleaders appear—

(a) where a rule is granted, or a reference is made on a question of sentence or jurisdiction only;

(b) where a rule or reference is confined to matters appearing in a judgment;

NOTE.—Except as provided above, the paper-book should include the documents comprising the “A” file of the Lower Court or Courts (if the order for revision has been dealt with by more than one Court) and specified in rules 6 and 9, pages 76-79, Chapter III, Volume I, of the High Court's General Rules and Circular Orders, Criminal. The petition and affidavit filed in the High Court, the ~~petition~~ explanation should also.

Page 125, Chapter XI, Rule 28—

Insert the following as Rule 28A:—

“28A. Applications for writs in the nature of *habeas corpus* referred to in article 226(1) of the Constitution of India shall be governed by rules 29 to 42 of this Chapter.”

[No. 281. Notification No. 3886G., dated the 14th June, 1950. File No. 1P—15 of 1950.]

Page 125, Chapter XI, Rule 28A, as inserted by slip No. 281—

Add the following to the Rule:—

“NOTE.—For applications for the issue of orders or writs in the nature of *mandamus*, *prohibition*, *quo warranto* and *certiorari* referred to in article 226(1) of the Constitution of India, outside the Original Jurisdiction of the Court, see Rule 8, Chapter II (as amended by slip No. 284) and Rule 15A, Chapter V (as inserted by slip No. 285) of these Rules”.

[No. 286. Notification No. 6155G., dated the 1st September, 1950. File No. 1P—15 of 1950.]

No. 91.

Page 125, Rule 33, Chapter XI—

Omit the words “acting under a commission from the Governor-General in Council” in lines 3 and 4.

(No. 91, Notification No. 1212G., dated the 30th January, 1939.)

affidavit shall not be required. The application shall be in the form of a letter addressed to the Registrar, stating the purpose for which the said Court-martial has been assembled or the authority under which the said Commissioners are acting, and also stating where the prisoner is detained in custody, and when, where, and for what purpose he is required to be produced. It shall be the duty of the Registrar to submit the letter, as soon as possible after the receipt thereof, to, and to obtain the order thereon of, the Judges presiding over the Criminal Appellate Bench of this Court.

34. Where the application is for an order under clause (e) of Section 491 of the Criminal Procedure Code, notice of the application shall be served on the prisoner and it shall be stated in the affidavit where the prisoner is detained in custody, to what other custody it is proposed to remove him and the reason for such change of custody.

35. Where the application is for an order under clause (f) of Section 491 of the Criminal Procedure Code, the Sheriff's return of *cepi Corpus* to the warrant of arrest shall be produced. The officer having the custody of the Sheriff's return shall cause the same to be produced before the Court for its consideration to him in

No. 92.

Page 126, Rule 36, Chapter XI—

Omit the words "acting under the authority of a commission from a the Governor-General in Council" in lines 3 to 5.

(No. 92, Notification No. 1212G., dated the 30th January, 1939.) in

shall be prepared and signed by the Registrar, Appellate Jurisdiction, and sealed with the seal of the Court.

37. Such warrant where issued under rule 33, shall be forwarded by the Registrar of the Appellate Jurisdiction to the officer in charge of the jail in which the prisoner is confined; in every other case the warrant shall be served personally upon the person to whom it is directed or otherwise as the Court shall direct.

38. Where the application is to bring up before the Court a person in custody under a warrant to detain such person, a copy of the warrant under which he is detained, obtained from and authenticated by the signature of the person in whose custody the applicant is, shall be produced to the Court, or it shall be shown by affidavit that it has been asked for and denied.

39. Where the Court is of opinion that a *prima facie* case for granting the application is made out, a *rule nisi* may be issued calling upon the person or persons against whom the order is sought to appear on a day to be named therein to show cause why such order should not be made and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there to be dealt with according to law.

40. On the return day of such rule or on any day to which the hearing thereof may be adjourned, where no cause is shown, or where cause is shown and disallowed, the Court shall pass an order that the person or persons improperly detained shall be set at liberty or delivered to the person entitled to his or their custody. Where cause is allowed the rule shall be discharged.

41. In disposing of any such rule the Court may in its discretion make an order for the payment by one side or the other of the costs of the rule.

42. The forms of warrants Nos. 57 to 61 (criminal) at pages 211 to 213 of Appendix II, shall be followed

Page 127, Chapter XI—

Insert the following after Rule 42:—

“43. Applications for the issue of orders or writs in the nature of *mandamus*, *prohibition*, *quo warranto* and *certiorari*, or any of them referred to in article 226(1) of the Constitution of India, outside the original jurisdiction of the Court, shall, subject to any direction by the Chief Justice, be made before the Judge

... 00000, dated the 14th June, 1950. File No. 1P—15 of 1950.]

No. 283.

Page 127, Chapter XI—

Delete Rule 43 as inserted by slip No. 282.

[No. 283. Notification No. 6155G., dated the 1st September, 1950. File No. 1P—15 of 1950.]

Part III.

CHAPTER XII.

Fees and Costs.

A—Process-fees.

1. The fees in the following schedule framed by the High Court under section 20 of the Court-fees Act, 1870, shall be charged for serving and executing processes issued by the High Court in its Appellate Jurisdiction :—

(1) *Fees chargeable in the High Court, Appellate Jurisdiction.*

Proper fees.

Rs. A. P.

Article 1.—In every case in which personal or substituted service of any process on parties to the cause, or any persons who are not parties, is required, where not more than four persons are to be served with the same document,
one fee 3 0 0

When such persons are more than four in number, then the fee abovementioned, and an additional fee of 8 annas for every such person in excess of four 0 8 0

Provided that in the last mentioned case, where such persons reside in the same or immediately adjacent villages, the additional fee may be such sum, not exceeding the amount of the fee prescribed, as the High Court may, in the particular case, determine.

Provided also that in analogous cases where the appellant is the same but the respondents are different but reside in the same or immediately adjacent villages, the same rule shall apply.

Notwithstanding anything contained in the provisos to this Article, no prayer for reduction of the fee prescribed and determined by the High Court shall be considered unless it is made within the time laid down for the deposit of the fees for the issue of notice and sufficiently early to obtain an order before that time expires.

Proper fees.

Rs. A. P.

No prayer for the acceptance of one process fee for the service of notices both in an Appeal and a connected Rule, or in two or more analogous Appeals, shall be considered unless written up notices both in that Appeal and in the connected Rule or in the two or more analogous Appeals are filed at the time the prayer is made and can be served simultaneously.

Article 2.—For the execution of a warrant for arrest of a person 3 0 0

Article 3.—For service or execution of any process issued by the Court, not specified in any preceding article 3 0 0

2. Notwithstanding Rule 1, no fee shall be chargeable for serving or executing—

- (1) any process, such as a notice, rule, summons, or warrant of arrest, which may be issued by any court of its own motion, solely for the purpose of taking cognizance of and punishing any act done or words spoken in contempt of its authority or of taking action under secs. 195 and 476 of the Criminal Procedure Code (1898);
- (2) any process issued a second time in consequence of an adjournment made otherwise than at the instance of a party or an intervenor;
- (3) any copy of summons, notice, order, proclamation or other process, posted in a court house or in the office of the Collector;
- (4) any order intimating postponement of sale, withdrawal of attachment or directing restoration of attached property to the person in whose custody it was or its replacement where it was found at the time of seizure;
- (5) any order directing an officer in charge of a jail to detain or to release a person committed to his custody.

3. The fees hereinbefore provided, except those mentioned in the next rule, shall be payable in advance at

the time when the petition for service or execution is presented, and shall be paid by means of stamps affixed to the petition in addition to the stamps necessary for its own validity.

4. In the localities only where and for the periods during which travelling except by boat is in the opinion of the District Judge impracticable, the fees chargeable for the service of processes shall be increased by such percentage, not exceeding 25 per cent., as may be necessary to cover the additional cost of boat-hire or ferry-toll for journey in watery areas. The percentage of surcharge over the fees ordinarily leviable should be reduced when the realisation of the higher amount is found to exceed the additional cost incurred.

5. (1) In the localities which are not for the time being subject to rule 4, when, in order to the service of any process, the peon has to cross a ferry, then the amount, if any, legally exigible as toll shall be paid by the court executing such process from its permanent advance.

(2) The permanent advance mentioned in this rule is the special permanent advance sanctioned by the local Government for the purpose of the rules

No.295.

131, Chapter XII, Rule 6 (as inserted by slip No.238) -

Number the Rule as 5.

131.295. Notification No.3114G, dated the 2nd June, 1951.

File No.1M-23 of 1951

NOTE.—The fees paid in pursuance of the foregoing rules must in all proceedings be deemed and treated as part of the necessary and proper costs of the party who pays them.

B—Other Fees.

7. The following fees shall be charged on every application made in respect of the following matters, and such fees shall be paid by means of Court-fee stamps affixed to such application :—

For every search in the offices, record-room, books or registers of the Court, including searches consequent on applications for inspection, for information, for copies of documents, and for return of documents or applications made by parties for records or documents under Order XIII, rule 10, Civil Procedure Code

One rupee.

Provided that no searching-fee shall be charged in respect of applications for inspection, information, copies, or return of documents filed by parties to an appeal or other proceeding if the records of such appeal or proceeding have not been deposited in the record-room.

On each application for a copy of any document or record in the High Court, whether the copy applied for is of a single document or more documents than one .. Two annas.

Provided that this does not authorise an applicant to ask in a single application for copies of more than one paper, if required in more than one case. There must be a separate application, and, therefore, a separate stamp, for each case.

For swearing or affirming every affidavit, whether intended to be used in the High Court either in its Original Jurisdiction or its Appellate Jurisdiction, or in any other Court, except the Insolvency Court .. Two rupees.

For inspection of records (exclusive of any searching-fee leviable under this rule)—

(i) If the application is by a party to the appeal or other proceeding One rupee.

(ii) If the application is not by a party to the appeal or other proceeding Five rupees.

Provided that no fee shall be levied from parties to appeals or other proceedings in the Court, or their Advocates, for inspecting the records of such appeals or proceedings if the records have been deposited in the record-room.

ISSUED BY AUTHORITY OF THE HIGH COURT OF JUDICATURE

AT FORT WILLIAM IN BENGAL.

Addenda and Corrigenda to the Rules of the High Court, Jurisdiction (Seventh Edition), 1936.

No. 2.

No. 93.

Page 132, Rule 7, Note 1, Chapter XII—

Substitute the word "Provincial" for the word "Local" in line 2.

(No. 93, Notification No. 1212G., dated the 30th January, 1939.)

(No. 2, Notification No. 24663G., dated the 9th December, 1936.)

as follows:—

	Rs. a p.
For the first affidavit, oath or affirmation, where within the limits of Calcutta	16 0 0
Where beyond the limits of Calcutta and within 5 miles ...	32 0 0

8. Except as otherwise specially provided in these Rules, the following translation fee shall be charged in cases where a party to any suit or appeal, or his Advocate, or when a lower court requires a document to be translated by a salaried Translator of the Court :—

Rs. a. p.

One anna for every 3 words for documents written in a language other than the vernaculars of Bengal and Assam and for every 5 words for other documents (three figures being counted as one word) subject to a minimum charge of 2 0 0

NOTE.—When a party to any suit or appeal or his Advocate or when a lower court, requires a document to be translated by a salaried Translator of the Court within a specified time, the Registrar may, after satisfying himself that the work cannot be done during office hours without detriment to the current translation work of the Court, allow the work to be done after office hours on payment incash, in addition to the usual fee prescribed above, of an extra fee calculated at one anna for every 6 words for documents written in a language other than the vernaculars of Bengal and Assam and for every 9 words for other document, on account of remuneration of the Translator doing the work, subject to a minimum charge of Re. 1.

C—Costs.

9. The following scale of costs shall ordinarily be allowed to the successful party in appeals to the High
No. 77.

Page 133, Rule 9, Chapter XII—

* Add the following item under the heading “Second Appeals” in this Rule:—

“(1) If Appellant—

(a) Rs. 10 [Rs. 12 in appeals in which there was any order of remand passed by the lower appellate Court and in which the previous judgments (original and appellate) have been included in the Paper Book] for each independent appeal and

(b) in analogous appeals Rs. 10 or Rs. 12, as the case may be, for the first appeal, Re. 1-8 per appeal up to four such appeals and annas 12 for every appeal in excess of four, the additional charge for analogous appeals not exceeding Rs. 10 in any case.

Paper Book cost to successful party irrespective of value of appeal—

(2) If Respondent—

(a) Rs. 5 [Rs. 6 in appeals in which there was an order of remand passed by the lower appellate Court and in which the previous judgments (original and appellate) have been included in the Paper Book] for each independent appeal and

(b) in analogous appeals Rs. 5 or Rs. 6, as the case may be, for the first appeal and half the charges prescribed for the Appellant in respect of analogous appeals, the additional charge not exceeding Rs. 5 in any case.”

(No. 77, Notification No. 14880G., dated the 20th December, 1938.)

			Rs.
Exceeding Rs. 10,000 and not exceeding Rs. 20,000	{ Drawing grounds of appeal	..	50
	{ Hearing-fee	..	500
Exceeding Rs. 20,000 and not exceeding Rs. 50,000	{ Drawing grounds of appeal	..	100
	{ Hearing-fee	..	750
Exceeding Rs. 50,000	{ Drawing grounds of appeal	..	100
	{ Hearing-fee	..	1,000

Appeals from Orders.

Not exceeding Rs. 5,000 .. Same as Second Appeals.

Exceeding Rs. 5,000	{ Drawing grounds of appeal	..	16
	{ Hearing fee	..	64

Reviews.

[Where notice is given and opposite party appears.]

The same costs as were allowed upon the hearing in Second and Miscellaneous Appeals.

In Appeals from Original Decrees the costs to be fixed by the Court.

Appeals under section 15 of the Letters Patent.

The same costs as were allowed at the previous hearing.

Applications.

[Where notice is given and opposite party appears.]

To be fixed by the Judge or Judges who hear the application.

General Rules.

When there are several parties to an appeal, review, or application, one set of costs will generally be awarded, unless the Court, upon the application of the parties, shall otherwise order.

10. In cases where, on appeal to the High Court from an Original or Appellate Decree an order of remand is passed, the court-fee paid on the Memorandum of Appeal shall ordinarily be treated as costs in the appeal. But where an order of remand is made on any of the grounds

mentioned in the first schedule, Order XLI, rule 23 of the Civil Procedure Code, for a second decision by the Lower Court, this Court shall, on the verbal application of either party made at the time of making the order for remand, make an order authorising the appellant to receive back from the Collector the full or proportionate amount, as the case may be, of the fee paid on the Memorandum of Appeal as provided in section 13 of the Court-fees Act VII of 1870.

Any such application for refund not made at the time of the passing of the order of remand, but made on a subsequent date, may be entertained if made to the Court on a petition for amendment of the order of remand with the proper stamp.

NOTE.—On the 16th June 1879, in the case of Durga Das Dutt, Vakil, a Full Bench directed that Vakils should in no case apply for a refund of stamp-duty till they have satisfied themselves by proper inquiries of the Registrar that no return of duty has already been made.

Part IV—Miscellaneous.

CHAPTER XIII.

Copies.

1. A plaintiff or a defendant who has appeared to the suit is entitled, at any stage of the suit, to obtain a copy of the record of the suit, including exhibits which have been put in and finally accepted by the Court as evidence.

2. A stranger to a suit may, after decree, obtain, as of course, a copy of the plaint, written statements, affidavits, and petitions filed in the suit, and may, for sufficient reason shown to the satisfaction of the Registrar, obtain a copy of any such document before decree.

3. A stranger to a suit may also obtain, as of course, a copy of any judgment, decree, or order at any time after it has been passed or made.

4. A stranger to a suit has no right to obtain a copy of exhibits admitted in evidence, except with the consent of the person by whom they were produced, or his successor-in-interest. He may obtain copies of other documents in which he has an interest, including depositions for *bond fide* use in the Courts and case-maps, at any time after they have been proved.

5. Every Advocate engaged in any case shall be entitled to obtain from the Court's office a copy of the whole or any part of the proceedings and evidence in the case on depositing the estimated cost of such copy.

6. Every such copy shall be examined and certified as correct before it is issued from the office of the Court.

7. Copies, whether certified or uncertified, shall be prepared at the following rates:—

(a) English—		As.
Not exceeding 150 words	..	4
Exceeding 150 words, but not exceeding 300 words		8
For every additional 150 words or less	..	4
(b) Vernacular—		
Not exceeding 200 words	..	4
Exceeding 200 words, but not exceeding 400 words		8
For every additional 200 words or less	..	4

This charge shall be levied as follows:—

(a) Vernacular—	
Not exceeding 200 words	.. By means of an impressed stamp-paper of 4 annas.
Exceeding 200 words, but not exceeding 400 words	.. By means of two impressed stamp-papers of 4 annas.
For every additional 200 words or less	.. By means of an impressed stamp-paper of 4 annas.
(b) Typed copies—	
Not exceeding 150 words	.. By means of an impressed stamp-paper of 4 annas.
Exceeding 150 words, but not exceeding 300 words	.. By means of an impressed stamp-paper of 4 annas with an adhesive stamp of 4 annas affixed thereto.
Exceeding 300 words, but not exceeding 450 words	.. By means of an impressed stamp-paper of 4 annas with an adhesive stamp of 8 annas affixed thereto.
Exceeding 450 words	.. By means of an additional impressed stamp-paper, or papers, of 4 annas with an adhesive stamp of 4 annas or 8 annas, as the case may be, affixed thereto if necessary according to the number of words to be typed.

NOTE.—If the document to be copied is written in Persian or any language other than English or the Vernacular language of the Province, a special rate may be fixed by the Registrar.

6. A folio shall consist of 150 English words or 200 Vernacular words, 3 figures counting as one word.

9. In addition to the foregoing charges a searching-fee of Re. 1 shall be charged on each application for copy if the record of the case has been deposited in the record room :

No.296

Page 139, Chapter XIII, Rule 12 (as amended by Slip No.3) -

(i) Add the following after the word "case" in line 10 of the second paragraph of the rule :-

"and that the previous permission of the Judge who delivered the judgment has been obtained."

(ii) Insert the following Note at the end of the rule :-

"NOTE.- Permission has also been given to the following law journals :-

1. Indian Law Review.

2. All-India Reporter Ltd., Nagpur."

[No.296. Notification No.3114G., dated the 2nd June, 1951.
File No.1M-23 of 1951]

14. Uncertified copies may be converted into certified copies after comparison with the originals upon the application of the person to whom they have been granted and upon filing with such application the necessary Court-fee stamps required by law.

15. When an applicant requires his copies before the expiry of three days, an extra fee of Rs. 2 (if the copies exceed four folios, or of 8 annas for each folio) shall be charged on all copies so furnished, to be levied from him by a Court-fee stamp which should be affixed to the application for the copy and be entered in the Register for Court-fee stamps. Care, however, should be taken that other applicants for copies do not materially suffer by the arrangement.

16. Half of the 4 annas per folio charged for copies shall be credited to Government on account of the salary of examiners, etc.: the remaining half will represent the earnings of the typists whose accounts shall be made up monthly and the amounts due paid to them.

NOTE.—The copyist or typist is paid by the folio; he will therefore be paid according to the number of folios copied, whether such copies are subsequently taken out or not.

17. In the case of maps and plans, the charge shall be fixed by the Deputy Registrar with reference to the difficulty or intricacy of the work to be done. Two-thirds of the amount will be paid to the mappist and will include the cost of materials; and the remainder will be credited to Government on account of examination-fees.

18. Ordinary applications for copies shall be made to the Superintendent of the Copying Section on any Court day between the hours of 11 a.m. and 3-30 p.m. and between the hours of 11 a.m. and 1 p.m. on Saturdays.

Applications bearing the expedition fee prescribed in Rule 15 of this Chapter may, however, be made at any time during office hours.

19. Applications for copies shall be made in the prescribed form [see Form No. 16 (civil), page 188, Appendix I] copies of which will be supplied at one pice per sheet or 100 sheets per rupee.

20. On receipt of an application for a copy the Superintendent of the Copying Section shall inform the applicant that his application will not be considered complete, and that the preparation of the copy will not be commenced until he has supplied in full the Court-fee stamps and the necessary number of folios which will be notified in due course in the manner prescribed by these rules.

21. In the event of an application for a copy being refused an endorsement to that effect shall be made on the application form which shall then be returned to the applicant.

22. On orders being passed granting an application for a copy, the Superintendent of the Copying Section shall at once, if possible, or during the same day, but not later than the following day, ascertain the amount of Court-fee stamps payable for the copy applied for and the number of folios required for its preparation.

23. The number of folios required should be carefully calculated so as to obviate the necessity for obtaining additional folios from the applicant.

24. If, owing to insufficient or incorrect description, the document cannot be traced, the application should be so endorsed and submitted at once to the Deputy Registrar or other Officer of the Court for orders.

25. On receipt of the estimate as to the number of folios required, the Superintendent of the Copying Section shall enter the amount of Court-fee stamps and the other charges in the middle column of the application, and shall notify the amount in the prescribed register [see Form No. 17 (civil), page 189, Appendix I] not later than the next following day.

26. If the stamps and folios are not filed within seven days of the notification in the prescribed Register, the application shall be rejected by the Deputy Registrar or other Officer of the Court.

27. If an application has been rejected under rule 26 and the copy is still required, a fresh application must be filed and dealt with in the manner prescribed by these rules, as though the original application had not been made.

28. When the stamps and folios are filed, a note to that effect, and the date, shall be entered in the place provided in the application for the purpose, and the applicant shall be required to sign this entry. The date on which the copy will be ready shall also be noted in the appropriate column of the application form and a corresponding entry shall be made by the Superintendent of the Copying Section in the counterfoil of the application. The applicant shall retain the counterfoil, and it shall be his duty to attend on the date fixed for the purpose of receiving the copy.

29. If and when it is ascertained that extra Court-fees or extra folios for copies are required, the amount of such Court-fees or folios should be immediately notified in the prescribed register [see Form No. 17 (civil), page 189, Appendix I] and shall be put in within seven days of such notification.

29. *Form No. 94.*

Page 142, Rule 30, Chapter XIII—

Substitute the word "complies" for the word "camplies"

(No. 94, Notification No. 1212G., dated the 30th January
Superintendent of the Copying Section.

29, a note
showing
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d by the

31. Every copy must bear the signature of the copyist making it and the date on which the copy was completed. It must also bear the signature of the clerk who examined the copy and the date on which such copy was examined.

32. In ordinary circumstances a copy shall be furnished not later than 1 p.m. on the fifth day after the necessary Court-fee stamps and folios have been put in.

33. On receipt of the original application, the Superintendent of the Copying Section shall attach to it the copy and all unused folios. On the applicant's appearance with the counterfoil, the Superintendent of the Copying Section shall make over to him the copy and unused folios, taking his receipt in the counterfoil of the application which he will retain in his custody.

34. Should the applicant, in any case, fail to appear to claim either the copy or the unused folios before the last day of the month succeeding that on which the copy was ready for delivery or should he fail to put in the extra court fees or extra folios within the period prescribed in rule 29, such copy and unused folios shall be destroyed.

35. In any case in which a copy is refused, or cannot be granted, the folios supplied by the applicant shall be returned to him when he is so informed.

36. A certified copy shall bear the seal of the Court and shall be "certified to be a true copy" and be signed in full by an Officer authorised to do so by the Registrar. The Certifying Officer shall append to his signature the words "authorised under Section 76, Act I of 1872."

NOTE.—Uncertified copies shall only be marked as "examined," and initialled by the Examiner.

37. When a copy of a decree, judgment or order is granted, the following particulars shall be recorded on the back of the copy itself, and in the form given below :—

- (i) Date of application for copy.
- (ii) Date of notifying the requisite number of folios and stamps.
- (iii) Date of delivery of the requisite folios and stamps.
- (iv) Date on which the copy was ready for delivery.
- (v) Date of making over the copy to the applicant.

CHAPTER XIV.

Legal Practitioners.

Admission of Advocates in the High Court.

ISSUED BY AUTHORITY OF THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.

Addenda and Corrigenda to the Rules of the High Court, Appellate Side
(Seventh Edition), 1936.

ISSUED BY AUTHORITY OF THE HIGH COURT OF JUDICATURE AT FORT WILLIAM
IN BENGAL.

Addenda to the Rules of the High Court, Appellate Side.
(Seventh Edition) 1936

No. 253.

Page 145, Rule 1, Sub-rule (1), Chapter XIV—

Insert the words "or in the University of Delhi" after the words "University of Lucknow", in line 7, as inserted by Slip No. 180.

[No. 253, Calcutta Bar Council Notification, dated the 24th June, 1949. (File No. 1M—3 of 1949—Coll. 8.)]

... for a further period of 18 months, unless the Court, for special reason, think fit to remit any portion of the periods mentioned above :

Provided that the Advocate shall be approved by the Court before the contract is entered into in writing, pursuant to the rules hereinafter contained :

Provided also that permission shall not be granted under this rule to any Advocate to entertain more than three articulated clerks and to any Advocate enrolled under Chapter I of the Original Side Rules more than three pupils, at one time.

(3) The term of service required by the last preceding rule need not be all under one and the same contract, nor to one and the same person, but may be to different persons by virtue of an assignment or assignments, or by virtue of successive independent contracts upon the dissolution of the original or succeeding contract. Similarly, the

ASSEMBLY DEPARTMENT

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ON:- 1 2 1949

File No.

Diary No.

reading need not be in the chambers of one and the same Advocate, but may be in the chambers of different Advocates, provided that the notice mentioned in sub-rule (13) (b) is given in each case of change of chambers within the time prescribed by sub-rule (13) (c). The reasons for such a change should be adduced, and the approval thereto of the last Advocate should be signified, stating the actual period for which the study was made in his chambers.

(4) The person under whom the articles shall be served shall, during the whole period of the service, be actually practising as an Advocate in the High Court.

(5) No person who is himself acting as clerk to an Advocate shall be able to take any clerk for service under articles.

(6) No person shall

No. 254.

Page 146, Rule 6, Chapter XIV—

Insert the words "or in the University of Delhi" after the words "University of Lucknow", in Rule 6, as inserted by Slip No. 181.
[No. 254, Calcutta Council Notification, dated the 24th June, 1949. (File No. 1M—3 of 1949—Coll. 8.)]

(7) The contract in writing, whereby a person shall engage as aforesaid to serve as a clerk to any Advocate, shall be filed with the Registrar of the High Court, Appellate Jurisdiction, within one calendar month after the execution of the same, together with an affidavit by such Advocate that he has been himself duly admitted, and has been practising for five years as an Advocate and that such contract has been duly executed by himself and by the clerk therein mentioned. And in every such affidavit shall be specified the name of the Advocate and his place of abode or business, and the name of the clerk and his place of abode, together with the day on which the contract was actually executed.

(8) In case the articles of clerkship shall be assigned, the assignment shall be in writing, and shall be in like manner filed within one calendar month after the execution thereof, together with an affidavit that the same has been executed by all the necessary parties. And in every such affidavit shall be specified the name of the Advocate to whom the articles are assigned and his place of business, together with the day on which the assignment was actually executed.

(9) If, by reason of death or for any other good and sufficient reason, an assignment of the articles cannot be obtained, a fresh contract in writing shall be entered into by the clerk with the person under whom the service is continued, which shall be filed in the manner and with the affidavit prescribed by sub-rule (8).

(10) In case the contract or assignment, together with the necessary affidavit, be not filed within the time specified, the same may be filed with such Registrar after the expiration thereof, but the service of such clerk shall be reckoned to have been commenced or renewed from the date of filing such contract or assignment, unless the Court shall otherwise order.

(11) (a) Every person articulated to serve as a clerk to an Advocate or reading in the chambers of an Advocate for the purpose of being admitted as an Advocate shall, unless the Court thinks fit to grant him a special dispensation, be, during the whole period of service or study, exclusively employed by the Advocate in his proper business and practice as such.

(b) Service under articles, original or assigned, or reading in the chambers of an Advocate, shall be continuous, unless the previous sanction of the Court is obtained to an interruption thereof, or unless an interruption permitted by the Advocate but not so previously sanctioned, is subsequently explained to the satisfaction of the Court and condoned.

(12) (a) Before any person shall be admitted as an Advocate in the High Court, he shall sign and file with such Registrar as aforesaid answers to the questions contained in Schedule A hereunto annexed; and the person or persons under whom he shall have served his articles shall sign and file answers to the questions contained in Schedule B hereunto annexed, as also a certificate in the form given therein.

(b) Where a person who applies to be admitted as an Advocate in the High Court has served as a clerk under an Advocate of the High Court under articles of clerkship for a period of six months and has also read in the chambers of an Advocate or Advocates enrolled as such under Chapter I of the Original Side Rules, for a further period of eighteen months, shall, besides complying with

the provisions of the preceding sub-rule, also produce a certificate from the Advocate or Advocates in whose chambers he shall have read, in the form given in Schedule F hereunto annexed.

(13) (a) In case the applicant should show sufficient cause to the satisfaction of the Court why the last sub-rule cannot be fully complied with, it shall be in the power of the Court to dispense with any part of this sub-rule which it may think fit and reasonable.

(b) An Advocate taking a pupil under sub-rule (2) of this Rule shall give notice of that fact to the Registrar, Appellate Jurisdiction, in the form given in Schedule E hereunto annexed, which shall also be signed by the pupil.

(c) The notice referred to in the last preceding sub-rule shall be filed with the Registrar within seven days from the date of admission of the pupil.

(14) The applicant shall in all cases produce satisfactory testimonials as to his good character.

(15) The applicant shall also, if required, sign and leave with the said Registrar answers in writing to such other questions, as shall be directed by the Court, touching the service or study in chambers and conduct of the applicant, and also, if required, attend the Court personally for the purpose of giving further explanation touching the same; and shall also, if required, procure the attendance of the person or persons with whom he shall have served his clerkship or in whose chambers he shall have read as aforesaid to answer either personally or in writing any questions touching such service, study or conduct, or shall make proof to the satisfaction of the Court of his inability to procure the same.

(16) Upon compliance with the aforesaid rules, the applicant shall have to appear, on the expiration of the aforesaid articles or study in chambers, as the case may be, at an examination in the following subjects:—

Code of Civil Procedure.

Code of Criminal Procedure.

Limitation Act.

Provincial Small Cause Courts Act.

Bengal Tenancy Act (portions dealing with procedure).

Indian Succession Act (portions dealing with procedure).

Registration Act (portions dealing with procedure).

Bengal, Agra and Assam Civil Courts Act—Chapters II, III and IV.

Full Bench decisions of the Calcutta High Court—
For 15 years immediately preceding the examination.

Decisions reported in the I. L. R., Calcutta Series,
For 10 years immediately preceding the examination.

Calcutta High Court Appellate Side Rules—Chapters IV and V and VII to XI.

(16A) The applicant shall at the said examination produce, for the inspection of the Court, his note book containing his notes of arguments in at least 12 Civil and 12 Criminal cases heard on the Appellate Side of the High Court, at the hearing whereof he personally attended during the period of his articles.

(16B) Proficiency in the subjects specified in sub-rule (16) and the notes and attendance referred to in sub-rule (16A) shall be taken into consideration at the said examination.

(16C) Should the applicant satisfactorily pass the said examination and if the Court be satisfied as to his fitness and capacity, a certificate shall be granted to him in the following form:—

It is hereby certified that A. B. has fulfilled the conditions entitling him to apply to be enrolled as an Advocate of this Court under the Indian Bar Councils Act (XXXVIII of 1926), and is a fit and proper person to be admitted to practise as such Advocate.

(Sd.) C. D.

A Judge of the High Court.

*(16D) An Advocate of any other High Court in India of not less than one year's standing, who is not otherwise disqualified, may be admitted as an Advocate of this Court

*(Framed by bar Council under section 9 and 15 of the Indian Bar Councils Act. 1926.) (File No. 4R—6 of 1933.)

(20) Every person applying to be admitted under the last sub-rule shall, one month prior to admission leave with such Registrar as aforesaid, answers to the questions contained in Schedule C hereunto annexed, and also a certificate or certificates in the form contained in Schedule D hereunto annexed.

(21) In case the applicant should show sufficient cause to the satisfaction of the Court why the last sub-rule cannot be complied with, it shall be in the power of the Court to dispense with any part of this sub-rule upon such terms as it may think fit and reasonable.

(22) An applicant under sub-rule (19) shall in all cases produce satisfactory testimonials as to his good character, and shall also, if required, leave with the said Registrar answers in writing to such questions as the Court shall direct touching the qualification of such person to be admitted as an Advocate in the High Court; and shall, if required, attend the Court personally for the purpose of giving further explanation touching the same.

(23) Any Attorney of the High Court who establishes to the satisfaction of the Court that he has *bona fide* practised as such for a period of three years, and that he is a person of good character and ability, may be admitted to practise in the High Court as an Advocate.

Provided that no Attorney shall be admitted as an Advocate of the High Court without passing the final examination prescribed by sub-rule (16).

(24) An Advocate of this Court who caused his name to be removed from the Roll before the Long Vacation of the year 1917 to enable him to practise in the High Court at Patna, in accordance with rule 1, Chapter XVII, of the Patna High Court Rules, may hereafter have his name restored to the Roll of this Court, on proving to the satisfaction of this Court that his name was, in the interval, borne on the Roll of the Patna High Court, that it has been removed from the Roll of that Court, and that his professional character and conduct have been satisfactory between the date of his removal from the Roll of this Court and the date of his application for restoration. Every application for the restoration of an Advocate's name to the Roll of the High Court at Calcutta under this sub-rule must be presented within one month after the removal of the name from the Roll of the Patna High Court :

SCHEDULE A [SUB-RULE (12) (a)].

Questions as to due service of Articles to be answered by the Applicant.

1. What was your age at your last birthday?
2. Have you served the whole term of your articles at the place where the person or persons to whom you are articulated or assigned carried on his or their business, and if not, state for what reason?
3. Have you at any time during the term of your articles been absent without the permission of the person or persons to whom you were articulated or assigned, and, if so, state the length and occasions of such absence?
4. Have you during the period of your articles been engaged, or concerned, in any, and, if any, what profession, business, or employment, other than your professional employment as clerk to the person or persons to whom you are articulated or assigned?
5. Have you since the expiration of your articles been engaged or concerned, and for how long a time, in any, and, if any, what profession, trade, business, or employment, other than the profession of an Advocate?

'SCHEDULE B [SUB-RULE (12) (a)].

Questions to be answered, and certificate to be given, by the person or persons with whom the clerk may have served any part of his time under Articles.

1. Has A. B. served the whole period of his articles at the place where you carry on your business, and, if not state the reason?
2. Has the said A. B. at any time during the period of his articles been absent, and, if so, state the length and occasions of such absence?
3. Has the said A. B. during the whole period of his articles been engaged or concerned in any, and, if any, what profession, business, or employment, other than his professional employment as your articulated clerk?
4. Has the said A. B. during the whole period of his clerkship, with the exceptions abovementioned, been faithfully and diligently employed in your professional business of an Advocate?
5. Has the said A. B. since the expiration of his articles been engaged or concerned and for how long a time, in any profession, trade, business or employment, other than the profession of an Advocate?

And I do hereby certify that the said A. B. has duly and faithfully served under his articles of clerkship (or assignment of articles as the case may be) bearing date, etc., for the term therein expressed, and that he is a fit and proper person to be admitted as an Advocate of the High Court.

SCHEDULE C [SUB-RULE (20)].

1. What was your age at your last birthday?
2. What is the date of your enrolment as a pleader, and where were you enrolled?
3. Have you practised in one or several courts? State the periods during which you practised in each, and the dates of the beginning and end of each period.
4. Have you at any time been engaged or concerned in any, and, if any, what profession, business, or employment, other than that of a pleader? If so, when and for what period?

SCHEDULE D [SUB-RULE (20)].

I, C. D., District Judge (or Subordinate Judge, or Munsif as the case may be), do certify that to the best of my belief A. B. practised in my court regularly as a pleader from the day of 19 to the day of 19, and that he was diligent and faithful in the performance of his duties, and that he is a fit and proper person to be admitted as an Advocate of the High Court.

(Signed) C. D.

"SCHEDULE E [SUB-RULE (13) (b)].

*In the High Court of Judicature at Fort William in Bengal.
(Appellate Civil Jurisdiction.)*

In the matter of A. B., a candidate for admission as an Advocate.

To

The Registrar, High Court,
Appellate Jurisdiction, Calcutta.

Sir,

Please take notice that on the day of 19, I admitted Mr. of as my pupil to read in my chambers for a period of 18 months from the said date, with a view to enable him to qualify himself for admission as an Advocate of this Court.

(Sd.)

Advocate.

"I, , hereby give notice that I have joined Mr. , an Advocate of this Court, as his pupil, to read in his chambers for a period of 18 months, from day of with a view to qualify myself for admission as an Advocate of this Court.

(Sd.)

Pupil".

“ SCHEDULE F [SUB-RULE 12 (b)].

*In the High Court of Judicature at Fort William in Bengal.
(Appellate Civil Jurisdiction.)*

In the matter of _____, a _____ candidate for admission
as an Advocate.

I, _____, an Advocate of this Court, do
hereby certify that the abovementioned _____
read in my chambers for a period of eighteen months, from _____
to _____, and that
during the the said period he diligently and faithfully worked in
my chambers.

(Sd.)

*Advocate.***Precedence between Barristers and Advocates.**

2. The order of precedence between Barristers and Advocates shall be the following:—

- (i) Barristers shall take precedence *inter se* from the dates of their respective calls to the Bar in England, Scotland or Ireland.
- (ii) Advocates shall take precedence *inter se* from the dates of their respective admissions in this Court.
- (iii) A Barrister shall be entitled to precedence over an Advocate only if the former has been called to the Bar in England, Scotland or Ireland before the latter was admitted as an Advocate.

Admission of Mukhtars in the High Court.

3. The following Rules have been framed by the High Court under clauses (a), (b) and (c) of section 16 of Act XVIII of 1879 for the Qualification, Admission, etc., of proper persons to be Mukhtars practising in the High Court in its Appellate Jurisdiction:—

PART I.

(1) Any person may be admitted as a Mukhtar of the High Court who shall be qualified as hereinafter prescribed, that is to say,—

- (a) if he be a Pleader of any District Court, or qualified to be admitted as such Pleader;

- (b) If he shall produce a certificate from the examiners appointed by this Court that he has passed an examination in the Rules and Practice of the Appellate Jurisdiction of the Court, both Civil and Criminal, and in the Laws of Limitation and Procedure relating to appeals and applications to this Court.

(2) In order to qualify a person to present himself for the examination required by clause (b) of sub-rule (1) above,—

- (a) he must hold a certificate of having passed the Entrance or Matriculation Examination of the University of Calcutta, Dacca, Madras, Bombay, Patna, or Allahabad, or some other public examination certified by the Director of Public Instruction to be equivalent thereto;
- (b) he must produce a satisfactory certificate of good moral character and respectability and be above the age of 21 years.
- (c) he must pay an examination fee of Rs. 16.

(3) A person qualifying under sub-rule (1) must deposit, in the High Court, Government securities to the value of Rs. 1,000.

NOTE.—By a Notification, dated the 10th August, 1883, the High Court ordered that the above security should be deposited with the Registrar of the Court in its Appellate Jurisdiction.

PART II.

(4) Rules framed under clause (e), section 16 of Act XVIII of 1879, declaring what shall be the functions, powers, and duties of Mukhtars in the High Court:—

- (a) Every Mukhtar shall be bound to have some fixed place of business within the local limits of Calcutta, and shall leave the address of his place of business with the Registrar of the High Court in its Appellate Jurisdiction.
- (b) The functions, powers and duties of a Mukhtar practising in the High Court are, subject to

the instructions of his client, to be as follows:—

To communicate with his client.

To instruct Advocates, or Attorneys and to attend the Court during the trial of the Client's case.

To make such applications as can be made to an Officer of the Court, but not to the Court itself, provided that he shall not be entitled to apply to inspect records.

To pay money into, or deposit money in Court, and, where specially empowered by his mukhtarnama, to receive and give receipts for payment of money out of Court.

To deposit the amount required to defray the expenses of translating, transcribing, and indexing the copy of the record in appeals to the High Court, under the Rules of Practice for the time being in force; and also to deposit security when required under Order XLI, rule 10 of the Code of Civil Procedure.

To deposit security and the amount required to defray the expenses of translating, transcribing, indexing and transmitting to His Majesty in Council the copy of the record under Order XLV, rule 7 of the Code of Civil Procedure.

To apply for copies of any paper from the record of any case and receive them after paying fees.

To identify persons before the Court Officers.

To communicate with the Court Officers for information regarding any case.

Orders XVI, rules 2 and 4; XXI, rules 1, 39, 84 and 85; XXIV, rules 1 and 4; XLI, rule 10; and XLV, rule 7 of Civil Procedure Code.

(c) Every Mukhtar who has acted for a suitor in any appeal or matter shall be bound to furnish to his client, within one month after the decree or order of the Court has been signed, an account in the form hereto annexed, and in a language which the client understands, showing all receipts and disbursements which have passed through his hands in the cause; and to such account shall be annexed a receipt signed by the Advocate for all fees paid to him:

A. B, in account with C. D., Mukhtar of the High Court of Judicature at Fort William in Bengal.

Cr.

Dr.

Rs. a. p.

Rs. a. p.

19

19

1st January

January.

To money advanced

To be paid for (here state particulars)

To fee paid to E. F. Advocate from, etc., etc.

PART III.

(5) Rules framed under clause (d) and final paragraph of section 16 of Act XVIII of 1879 for the suspension and dismissal of Mukhtars, and for prescribing and imposing fines :—

- (a) Any Mukhtar who shall be guilty of a breach of any of these rules shall be liable to a fine not exceeding Rs. 500, and also to suspension.
- (b) Any Mukhtar who, in the opinion of the Court, shall have been guilty of dishonesty or gross misconduct in his profession, may be suspended or dismissed.

PART IV.

(6) Rule framed under clause (a) of section 27 of Act XVIII of 1879 fixing and regulating the fees payable by any party in respect of his adversary's Mukhtar :—

- (a) Where a Mukhtar is employed, 15 per cent. of the sum now allowed as Advocate's fee shall be allowed as such Mukhtar's fee and the remaining 85 per cent. only shall be allowed as the Advocate's fee.

Rules regarding Advocates' Clerks, other than Articled Clerks.

4. (1) In these Rules, the expression "recognised clerk" means a clerk, other than an articled clerk, employed by an Advocate of the High Court and permitted, as such, to have access to the offices in the Appellate Jurisdiction of the High Court in accordance with the Rules of the Court and the general instructions contained in Rule 11 of Chapter I of these Rules and the Schedule therein referred to.

(2) The Registrar shall maintain a register [*see* Form No. 18 (civil), page 190, Appendix I] of all recognised clerks employed by Advocates of the High Court and to each recognised clerk shall be given, under his orders, a card in the prescribed form [*see* Form No. 19 (civil), page 190, Appendix I]. These cards (which shall be strictly non-transferable) shall be recalled for renewal at the close of each year.

(3) The register prescribed by sub-rule (2) shall contain the name, father's name, and residence of each recognised clerk, the date of his registration, the name of the

Advocate by whom he is employed, and a column for remarks.

(4) No clerk employed by an Advocate of the High Court shall be allowed access to any of the offices of the Court in accordance with the prescribed Rules, unless he is for the time being a recognised clerk.

(5) In cases in which it is alleged that a recognised clerk is guilty of misconduct, the Registrar may, for reasons to be recorded in writing, and after hearing the clerk in his defence, if he so desires, order the removal of his name from the register and the cancellation of his card and on the passing of such order, the clerk shall cease to be a recognised clerk.

(6) If a person whose name has been removed from the register under sub-rule (5) is thereafter recommended for registration by any Advocate, the fact of such removal shall be mentioned in the recommendation.

(7) Every Advocate practising in the High Court shall report to the Registrar the name or names of the clerk or clerks whom he desires to have recognised; and the register shall, in the first instance, be prepared accordingly.

(8) When submitting his report under sub-rule (7) above, the Advocate shall certify that the person or persons proposed is or are, to the best of his belief, fit to be employed and will be employed *bona fide* in his own service and for the purpose of his legal business. No clerk registered as the clerk of one Advocate shall do business in the High Court or in the offices thereof on behalf of any other Advocate unless he is registered as the clerk of such other Advocate;

Provided that when a recognised clerk of an Advocate is unavoidably absent from Court on any day or days, such Advocate may in writing authorise the recognised clerk of any other Advocate to transact business on his behalf on the particular day or days during which his own clerk may be absent.

(9) If on the death, retirement, or dismissal of any recognised clerk, an Advocate wishes to entertain another clerk in his place, he shall apply for his recognition as required by sub-rule (7), and the certificate required by sub-rule (8) shall be furnished in regard to all such persons as may be recommended thereafter for recognition under these Rules.

CHAPTER XV.

Records.

Preservation and destruction of Civil and Criminal Records.

~~In supersession of all previous rules made in this be-~~
No. 95.

Page 159, Preamble to the Rules in Chapter XV—

Substitute the words “Central Government” for the words “Governor-General in Council” in line 4.

(No. 95, Notification No. 1212G., dated the 30th January, 1939.)

1. ~~Every~~ *Every* record shall consist of two parts, to be styled, respectively, Part I and Part II. These two Parts shall be maintained separately in stiff covers in the prescribed forms, the cover provided for Part I being coloured white and that for Part II being coloured blue [*see* Forms Nos. 20 and 20A (Civil) and 40 to 53 (criminal), pages 191 and 204 to 210, Appendices I and II, respectively.]

2. Part I shall be preserved for ever, and Part II for three years, after the expiry of which it shall be destroyed.

3. ~~The distribution of the papers to the appropriate~~

No. 106.

Page 159, Rule 4, Chapter XV—

Insert the words “or the Federal Court” after the words “Privy Council” in line 3 and the words “or the Federal Court, as the case may be,” after the words “His Majesty in Council” in line 4.

(No. 106, Notification No. 4115G., dated the 4th May, 1940.)

Part I of the High Court records, as directed in these rules, shall be kept separate from the records to which they relate and be destroyed on the expiry of the periods prescribed for their preservation as under:—

(i) *Bound copies.*—All surplus copies of these in Civil Appeals and Death Reference Cases shall be preserved for three years from the date of the final decree or order of the High Court or in cases appealed to the Privy Council, as many copies of the Privy Council paper-book as may be available, shall be preserved for three years

from the date of the final decree or order of His Majesty
No. 107.

for
 the

Pages 159-160, Rule 5, Chapter XV—

Insert the words "or the Federal Court" after the words "Privy Council" in the two places in which they occur in clause (i) of this rule and after the words "His Majesty in Council" in lines 7-8 of that clause.

(No. 107, Notification No. 4115G., dated the 4th May, 1940.)

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No. 108.

Pages 159-160, Rule 5, Chapter XV—

Insert the words "or Federal Court" after the words "Privy Council" in lines 2-3 in clause (ii).

(No. 108, Notification No. 4115G., dated the 4th May, 1940.)

before the expiry of the periods prescribed for their preservation

No. 13.

PAGE 160, RULE 6, CHAPTER XV, PART IV—

Delete the full stop after Rule 6, and *add* the following "and Paper-books in Criminal cases will be charged for prescribed in Rule 15A, Chapter XI."

(No. 13, Notification No. 6004G., dated the 13th May, 1940.)

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Civil Records.

7. Part I of all civil records shall contain the following papers:—

- (i) the order-books;
- (ii) the memorandum of appeal;
- (iii) the copies of the judgment and decree filed with the memorandum of appeal and not inserted in the paper-book of the case;
- (iv) the memorandum of cross-objection (if any);
- (v) vakalatnamas;
- (vi) applications for substitution, addition or removal of parties, and the affidavits filed therewith;

- (vii) award of arbitrators or petitions of compromise, if given effect to in the decree; also in the case of minors or lunatics, the order of the Court sanctioning the compromise;
- (viii) remand order of the Court, if any;
- (ix) copy of the finding of the Lower Court upon remand, if any;
- (x) final judgment of the High Court;
- (xi) decree;
- (xii) applications for the return of documents when they have been rejected or on which special orders have been passed;
- (xiii) paper-books; two copies when printed, and one copy when not printed;
- (xiv) any paper the preservation of which may be directed by the presiding Judge or Judges, or by the Registrar;
- (xv) orders of the Court other than those recorded on the order-sheets; and
- (xvi) applications for review, and orders relating to such applications.

Part II shall contain all other papers.

NOTE (i).—Certified copies of the judgment and decree of the High Court filed with the applications for leave to appeal to the Privy Council shall be kept in Part II.

NOTE (ii).—Copies of the judgment and decree filed with the memorandum of appeal which, or the translation of which, have been inserted in the paper-book, may, with the permission of the Registrar, be returned to the party after the disposal of the appeal.

NOTE (iii).—Sub-rule (xiii) above will not apply to cases instituted prior to 16th November, 1920, i.e., the date when these rules came into force, the number of copies, if any, already with the record being deemed sufficient.

NOTE (iv).—Exhibited documents or any other paper not received with the Lower Court's record but filed in the High Court under special orders should not be deposited in the record room but returned to the parties after the disposal of the case in which they were filed. If they are not taken back before the despatch of Lower Court's record, they should be sent to the Lower Court along with its record together with a copy of the order under which such papers were filed and with instructions to that Court to return the same when returning other documents to the parties.

NOTE (v).—Papers which are to be preserved under the rules of this Chapter shall be repaired, where necessary, at the expense of the Court; but documents which are filed by the parties in the High Court or are filed in the lower Court and transmitted to the High Court and which are ultimately returned to them after the disposal of the case in which they are filed shall be repaired, if and when necessary, at the expense of the party filing such documents. An estimate of the cost of repairs shall be prepared and served on the Advocate for the party and the amount due under the estimate shall be deposited with the Accountant of the Court within seven days from the date of service. All cases of default as regards the deposit shall be reported to the Registrar.

8. Rule 7 shall also apply, *mutatis mutandis*, to the records of all Civil Revision cases and references.

Criminal Records.

9. Part I of the record in criminal appeals, Revision cases, References and Miscellaneous cases, shall contain the following papers :—

- (i) the order-books;
- (ii) the judgment of the High Court;
- (iii) the memorandum of appeal (or petition for revision or letter of reference);
- (iv) vakalatnamas;
- (v) applications for the return of documents when they have been rejected or on which special orders have been passed;
- (vi) the judgment of the Lower Court;
- (vii) paper-books: two copies when printed and one copy when not printed;
- (viii) any paper the preservation of which may be directed by the presiding Judge or Judges or by the Registrar; and
- (ix) orders of the Court other than those recorded on the order-sheets.

Part II shall contain all other papers.

NOTE (1).—Certified copies of orders or of judgments in criminal cases filed with applications for revision or memoranda of appeal which have been inserted in the paper-books of such cases, may, with the permission of the Registrar, be returned to the parties filing them after the disposal of cases.

NOTE (2).—Sub-rule (vii) above will not apply to cases instituted prior to 16th November, 1920, the number of copies, if any, already with the record being deemed sufficient.

10. Applications for bail and suspension of sentence and orders thereon which are treated as Miscellaneous cases shall be preserved for three years from the date of the order.

Requisitions for records under Order XIII, Rule 10, Civil Procedure Code.

11. (a) Ordinarily certified copies are to be filed in respect of original papers, civil or criminal, requisitioned at the instance of the parties, under Order XIII, rule 10, Civil Procedure Code, from Part I of a High Court record.

Such certified copies shall be returned with the original documents called for when the requisition is complied with. Certified copies, may, however, be dispensed with in respect of (1) items (*ri*) and (*xii*) of rule 7 of this Chapter, (2) item (*v*) of rule 9 *ibid* and (3)—provided the papers have been printed in the paper-book of the case—items (*ii*) and (*iv*) of rule 7 and item (*iii*) of rule 9 *ibid*.

(*b*) In regard to papers of Part II of both civil and criminal records, no certified copy need be demanded except under the orders of the Registrar.

CHAPTER XVI.

Inspection and Information.

1. No record of any case shall be removed from the Court building, except under an order in writing of a Judge, the Registrar, or the Deputy Registrar, or an Assistant Registrar :

Provided that if any Judge, the Registrar, or other Gazetted Officer requires a record at his private residence, he may take charge of it.

2. Inspection of records shall only be allowed upon an application being made in the form prescribed for the purpose [*see* Form No. 21 (civil), page 192, Appendix I] which will be obtainable from the Forms Clerk at 1 pice per copy or Re. 1 for a book of 100 forms.

3. Every application for inspection shall specify the record or paper of which inspection is desired and the name of the person or persons by whom the inspection will be made, and shall be accompanied, where necessary, by the fee prescribed in Chapter XII of these rules.

4. No record or paper of any department shall be inspected by any person other than a Judge or an Officer of the Court, except upon an order in writing of a Judge, the Registrar, or other Gazetted Officer :

Provided that a party appearing in person in an appeal or other proceeding, or an Advocate duly authorised by a party to a case, may, upon filing an application in the prescribed form, inspect a record in the Inspection Room, without a formal order in writing obtained under this rule.

5. A stranger to an appeal or other proceeding shall not be entitled as of right to inspect any record or document. He may, however, apply for an order to inspect

such record or document, provided that he shall not be allowed to inspect exhibits put in evidence, except with the consent of the person by whom they were produced or his successor in interest. Every such application shall be in writing in the prescribed form (*see* rule 2 above), shall specify the paper or papers which it is desired to inspect, shall clearly state the reason for the inspection and shall be accompanied by the fee prescribed in Chapter XII of these rules.

6. Every application for inspection shall be made between the hours of 10-45 a.m. and 3-30 p.m. on a Court day and between the hours of 11 a.m. and 1 p.m. on Saturdays.

7. Inspection shall be allowed only in the Central Inspection Room and between the hours of 10-45 a.m. and 4 p.m. on Court days and between the hours of 11 a.m. and 1 p.m. on Saturdays. The inspection may be made on any working day or days but must be completed within 10 days from the date of receipt of the record in the Inspection Room.

NOTE (1).—Requisition for the record shall be made by the Inspection Clerk on the day the application is filed and the record shall, except for special reasons to be stated in writing, be made available in the Inspection Room by the day following and in any case not later than the third day from the date of the application. If the requisition is not complied with within three days the matter shall be submitted with an explanation to the Gazetted Officer in charge for orders.

NOTE (2).—This rule shall not apply to pending criminal cases, inspection of which will be allowed in the Criminal Section Inspection Room.

8. Every order by which inspection is allowed shall state the name of the person who may make such inspection.

9. Immediately upon receipt of an application for inspection the Inspection Clerk shall send a requisition to the Superintendent of the Section in which the record or paper mentioned in the application is, and the latter upon being satisfied that the application is in order and that the person named therein is entitled to inspect under rule 4, or has been allowed inspection under rule 5, shall make over such record or paper to the Inspection Clerk by 10-45 a.m. on the date noted in the requisition.

10. (a) No person inspecting a record or paper shall make any mark on, or in any respect mutilate any record or paper which is being inspected.

Page 167, Rule 10(b), Chapter XVI, Part IV—

(i) Insert the following as Note 1 to this Rule:—

"Note 1.—The words 'short notes' in this rule mean such brief notes or memoranda with respect to the date and nature of the documents, names of parties, etc., as may be necessary to identify the document or record, in case a copy is required or a list of papers for inclusion in the paper book of an appeal is to be filed."

(ii) Number the existing note as Note 2.

(iii) Insert the words "and Note 1" between the words "rule" and "shall" in line 1 of Note 2.

(No. 45, Notification No. 11991G., dated the 14th September, 1937.)

11. ~~Only officers of the Court and persons~~ to inspect either under rule 4 or rule 5 above shall be allowed into the Inspection Room:

Provided that parties or their agents may accompany the Advocate, but the number of such persons shall not exceed two.

12. No one other than a Judge, the Registrar, the Deputy Registrar, or an Assistant Registrar, shall be allowed to inspect any register of the Court or of the office, except on an order in writing of the Registrar or other Gazetted Officer and in the presence of the officer whose duty it is to keep such register.

13. In no case should the Inspection Clerk retain any records in the Inspection Room for more than 10 days from the date of receipt of the record in the Inspection Room.

14. Applications for information shall be made to the Deputy Registrar or such other officer of the Court as the Registrar may depute for the purpose, on any Court day between the hours of 11 a.m. and 4-30 p.m. and between the hours of 11 a.m. and 1 p.m. on Saturdays.

15. Applications for information shall be made in the prescribed form [see Form No. 22 (civil), page 193, Appendix I] copies of which will be supplied at one pice per sheet or 100 sheets per rupee.

16. An applicant for information will submit his application with the necessary particulars as shown in the Form No. 22 (civil), page 193, Appendix I. The officer receiving the application shall, if the information is available, fill in the information both in the upper and lower halves of the form in their proper places. If the information is not immediately available he shall state in the appropriate place the date on which the applicant should call for the information and shall make over the

lower portion of the form to the applicant. Upon the applicant calling for the information on the date stated he shall supply the information in the appropriate place, an acknowledgment for the same being obtained on the upper portion of the form which shall be preserved in the office for the period prescribed from time to time.

NOTE.—Searching fees shall be levied on applications for information as
No. 46. tion
ader

Page 168, Rule 17, Chapter XVI, Part IV—

(i) *Number* the existing note as Note 1.

the

(ii) *Insert* the following as Note 2:—

“*Note 2.*—(i) Information requiring anything but short answers shall not be given. If any extract from the record or the substance of any order or decree or other document is desired, the proper course is to apply for a copy. ave
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(ii) Defective applications and applications in which the information asked for cannot for any reason be given shall be rejected subject to the orders of the Registrar.”
(No. 46, Notification No. 11991G., dated the 14th September, 1937.)

CHAPTER XVII.

Deposit and payment of money.

1. All money required to be paid or deposited under these Rules shall be paid to the Accountant of the Court with a *challan* in the prescribed form (*see* Rule 2, below) before 3 p.m. on any working day.

2. The money due for the costs to be incurred in preparing paper-books in appeal cases should be deposited in the Reserve Bank of India by the Advocate or party concerned with a *challan* in Form N. 23 (civil), page 194, Appendix I.

3. The *challan* before it is tendered at the Bank must be placed by 1 p.m. in the box provided for the purpose at the counter in the Accounts Department. If the *challan* is found to be in order, it shall be numbered serially and entered in the Challan Register and then signed by the Challan Clerk and the Accountant.

out the cause, an Advocate or party is prevented from tendering money

No. 47.

Page 169, Rule 4, Chapter XVII, Part IV—

Add the following as proviso to the Rule:—

“Provided that if for some sufficient cause beyond his control, as to which he shall satisfy the Registrar by a proper application setting money.

(No. 47, Notification No. 11991G., dated the 14th September, 1937.)

5. On receipt of the advice of payment from the Bank, the fact that a deposit has been made should be communicated to the Appeal Section concerned.

6. Money received in connection with the sale of paper-books, of cause lists and of forms must be forwarded by the Accountant to the Reserve Bank of India, together with a *challan*, for credit to Government as soon as the total amount reaches Rs. 300.

7. No money should be paid out of Court, except under an order of a Judge, the Registrar, the Deputy Registrar or an Assistant Registrar.

8. Any surplus remaining after deducting the costs actually incurred in connection with the preparation of paper-books from the amount deposited with the Accountant of the Court may be refunded, in accordance with these rules, upon request to the party concerned by whom the deposit was made, or to the Advocate of such party.

9. Applications for refund [see Form No. 24 (civil), page 195, Appendix 1] shall be signed by the party concerned or by his Advocate.

10. No such application shall be presented unless it bears upon it a certificate in writing, dated and signed by the Accountant of the Court, that there is no stop-order in force affecting such money, or any part thereof, and stating the precise amount for the payment of which out of Court an order may be made.

11. Every application for the payment of money out of Court shall state—

- (a) the name of the Advocate making the application, or the description and address of the applicant claiming to be entitled to the money (if the application is made by the party in person);
- (b) the capacity in which such applicant claims to be entitled to the money;
- (c) the cause, appeal, matter or proceeding in which, or the date of the order under which, the money to which the application relates was paid into Court;
- (d) the precise amount for the payment of which an order is applied for.

12. Every application for the payment of money shall be presented by the applicant claiming to be entitled to receive such money, or by an Advocate acting on behalf of the applicant, or by the recognised clerk of such Advocate. In all cases in which the application is not presented by the applicant it must be signed by the Advocate claiming to be entitled to receive such money.

13. If an application for refund appears to be defective, I.

2. One or more Judges of the High Court shall visit the Andaman and Nicobar Islands, by way of circuit, whenever the Chief Justice from time to time may appoint, in order to exercise in respect of cases arising in the Islands the jurisdiction and powers vested in this Court by the Constitution:

Provided that such visits shall be made not less than two times in every year, unless the Chief Justice with the approval of the Central Government otherwise directs.

3. Subject to the powers reserved to the Chief Justice by Article 225 of the Constitution, the following cases arising in the Andaman and Nicobar Islands shall be heard at Calcutta, namely:—

(a) Every case cognizable by the High Court in its Extraordinary Original Civil, Ordinary or Extraordinary Original Criminal, Admiralty, Testamentary and Intestate or Matrimonial jurisdiction.

(b) Every appeal under clause 15 of the Letters Patent, 1865.

(c) Every case which is to be heard by a Bench of more than two Judges.

(d) Every case under Order XLV of the Code of Civil Procedure, 1908.

(e) Every case under the Indian Divorce Act (IV of 1869) and under section 60 of the Indian Stamp Act (II of 1899) required to be heard by a Bench of three Judges.

(f) Every case against an Advocate, Attorney, Pleader or Muktear in respect of any misconduct for which he may be suspended or dismissed from practice and a disciplinary case under the Legal Practitioners Act, 1879, which is required to be heard by a Bench of three Judges.

(g) Every application for review of judgment, for the appointment of a Receiver or for the issue of an injunction, the hearing of which should not, in the opinion of the Bench to which the application is made, be delayed till the next visit of a Judge or Judges to the Andaman and Nicobar Islands.

(h) Every criminal appeal or application for revision in which all the persons convicted have, within two weeks of filing their appeal or application, requested the Registrar for being heard by the Bench.

No. 299.

Page 171—

Insert the following as Chapter XVIII after Chapter XVII of the Rules:—

“CHAPTER XVIII.

Rules for cases arising in the Andaman and Nicobar Islands framed by the Court in exercise of the powers conferred on it by Article 225 of the Constitution read with section 14A of the Andaman and Nicobar Islands Regulation, 1878 (III of 1878).

1. In this chapter “case” includes suit, appeal, application, petition or reference.

APPENDIX I.
FORMS.
(Civil)

Form No. 1, (Civil).

Rule 31, Chapter V.

*Notice to Lower Court under O. 41, r. 13, Civil Procedure Code,
when Respondent resides in Calcutta.*

No.

IN THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.

CIVIL APPELLATE JURISDICTION.

APPEAL FROM * No. OF 19 .

Filed on 19 .

No. of 19 of the Court of the

Appellant,

versus

Respondent.

Whereas the abovementioned appeal has been preferred to this
Court against the of the Court of the

in the abovementioned

, and whereas the day of

19 has been fixed for hearing of the said appeal in this
Court:

It is ordered that notice of the said appeal do issue out of,
and under the seal of, this Court directed to the abovenamed
respondent requiring to appear therein:

And it is further ordered that the said notice be forwarded
to the Sheriff of Calcutta for service on the said respondent upon
payment to him by the Advocate of the appellant of his usual fees
and charges, and that the said Sheriff do submit to this Court
his return of service thereof without delay:

And it is further ordered that the said
do, within one week from the receipt by him of this
order, transmit to this Court the record connected with the
case:

And it is further ordered that copies of this order be forwarded
to the said Sheriff and to the said for their
information and guidance.

Dated this day of in the year of Our
Lord One Thousand Nine Hundred and

Deputy Registrar.

Form No. 2 (Civil).Rule 31, Chapter V.

*Notice to Lower Court under O. 41, r. 13, Civil Procedure Code,
when Respondent resides elsewhere than in Calcutta.*

No.

IN THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.

CIVIL APPELLATE JURISDICTION.

APPEAL FROM No. of 19 .

Filed on 19 .

No. of 19 of the Court of the

Appellant,

versus

Respondent.

Whereas the abovementioned appeal has been preferred to this Court against the of the Court of the in the abovementioned , and whereas the necessary process-fee has been paid by the appellant, and whereas the day of 19 has been fixed for the hearing of the said appeal in this Court:

It is ordered that notice of the said appeal do issue out of, and under the seal of this Court directed to the abovenamed respondent requiring to appear therein:

And it is further ordered that the said notice be forwarded to the for service on the said respondent after realising from the abovenamed appellant the additional fees, if any, for boat-hire or ferry-toll, exigible under Rule (4) of the Rules framed by the High Court under clause (i) of Section 20 of the Court-fees Act, VII of 1870, and that the said do submit to this Court his return of service thereof without delay:

And it is further ordered that the said do, within one week from the receipt by him of this order, transmit to this Court the record connected with the case.

Dated this day of in the year of Our Lord One Thousand Nine Hundred and

Deputy Registrar.

Form No. 3 (Civil).
Rule 35, Chapter V.

No. 269.

PAGE 177, FORM NO. 3 (CIVIL), AS AMENDED BY SLIP NO. 251—

(i) *Substitute* the words “by the Court for the hearing of the appeal” for the words “for the entering of appearance” at the end of the first paragraph of the Notice.

(ii) *Insert* the words “on that date or” after the words “the appeal will be heard” in the first sentence of the second paragraph of the Notice.

(iii) *Substitute* the word “hearing” for the word “appearance” following the words “on the date of” in the second line of the third paragraph of the Notice.

[No. 269—Notification No. 3621G., dated the 21st May, 1949. File No. 4R—29 of 1946.]

To

Respondent.

Take notice that an appeal from the _____ of the _____ of _____ in this case has been presented by Advocate for the abovementioned appellant, and registered in this Court; and that the _____ day of _____ 19 _____ (corresponding with the _____ of _____ 13 _____) has been fixed by the Court for the hearing of the appeal.

If no appearance is made on your behalf, by yourself, your Pleader, or by some one by law authorised to act for you in this appeal, it will be heard and decided *ex parte* in your absence.

Signed and Sealed by order of the Court this

day of _____

19 _____

Deputy Registrar.

Form No. 4 (Civil).
Rule 43 (Note), Ch. V.

High Court,
Appellate Jurisdiction.

Calcutta, the.....193 .

To

The.....
Reference.....

Your post card, dated....., regarding non-payment of boat hire for service of notice in the above matter.

Advocate for party concerned instructed to see that boat-hire is deposited in your Court by..... Please alter the date of hearing in the High Court notice to.....and submit return of service by.....

Deputy Registrar

Form No. 5 (Civil).
Rule 74, Chapter V.

IN THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.

CIVIL APPELLATE AND REVISIONAL JURISDICTION.

CIVIL

No.

OF 19 .

*Appellants,
Petitioners,*

versus

*Respondents,
Opposite party.*

We direct that

Formal order follows.

(Sd.)

(Sd.)

Dated the

19 .

Judges.

Memo. No.

Copy forwarded to
for information and necessary action.

of

By order of the High Court,

*Deputy Registrar.
Assistant Registrar.*

HIGH COURT:

CIVIL APPELLATE JURISDICTION,

The

19 .

Form No. 6 (Civil).

Rule 15, Chapter VI.

Notice for Grant of Certificate.*Notice under O. XLV, R. 3 (2), C. P. C.*

No.

P. C. A.

IN THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.*(Appellate Civil Jurisdiction.)*

Application for leave to appeal to His Majesty in Council.

No.

of 19

No. 265.

PAGE 179, FORM NO. 6 (CIVIL), APPENDIX 1 TO THE APPELLATE SIDE RULES—

(i) *Delete* the words “His Majesty in Council” and *substitute* therefor “the Federal Court”.(ii) *Add* the following as a new heading *below* the line “Application for leave to the Federal Court”:—

“Under Act No. I of 1948 [Federal Court (Enlargement of Jurisdiction) Act, 1947].”

(iii) *For* the words “Petitioners to England” *substitute* “Petitioners to the Federal Court”.(iv) *For* the words “His Majesty in Council” *substitute* “the Federal Court”.(v) In the Bengali portion of the Form, *for* the words “বিলাত অপীলের” *substitute* “ভারতের যুক্তরাষ্ট্র বিচারালয়ের”(vi) *For* the words “সবী সভাবিধিত সশ্রুটবাহাদুরের সৰীপে” *substitute* “ভারতের যুক্তরাষ্ট্র বিচারালয়ে”[No. 265—Notification No. 1081G., dated the 8th February, 1949.
File No. 1M—191 of 1947.]

আদালত এই প্রাধিত সার্টিফিকেট কেন না দিবেন তোমাকে তাহার কারণ দাখিল করি

অন্ত নং ১৯

সালের

দিন ধাৰ্ঘ্য হইল।

আমার স্বাক্ষর ও আদালতের মোহরযুক্তমতে অন্ত নং ১৯

সালের

তারিখে দেওয়া গেল।

Deputy Registrar.

Form No. 7, (Civil).

Rule 8, Chapter VIII.

Notice Form In Letters Patent Appeals.

IN THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.

CIVIL APPELLATE JURISDICTION.

NOTICE.

Appeal No. **of 19** **under section 15 of the Letters Patent**
 in

Appeal from

No.

of 19 .

Appellant

VERSUS

Respondent

To

Take notice that the abovementioned Appeal under section 15 of the Letters Patent has been filed in this Court on behalf of the abovenamed appellant by his Advocate

from the judgment of Mr. Justice
sitting singly, passed in the above-mentioned Appeal from Appel-
late Decree and dated the of 19 ; that it
has been set down for hearing on the day of
19 , and that it will be heard on that date or as soon thereafter
as the business of the Court will permit.

Dated this

day of

19 -

Deputy Registrar.

Form No. 8 (Civil).

Rule 8, Chapter VIII.

Notice Form

In

Letters Patent Appeals.

IN THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.

CIVIL APPELLATE JURISDICTION.

• **NOTICE.**

Appeal No. of 19 under section 15 of the Letters Patent
arising from difference of opinion
in

Appeal from

Decree No.

of 19 .

*Appellant**versus**Respondent***To**

Take notice that the abovementioned Appeal under section 15
of the Letters Patent arising from difference of opinion between
The Hon'ble Mr. Justice and the Hon'ble Mr.
Justice has been filed in this Court on behalf of
the abovenamed appellant by his Advocate on the
of 19 ; that it has been set down for hearing on the
day of 19 ; and that it will be heard
on that date or as soon thereafter as the business of the Court
will permit.

Dated this day of 19 .

Deputy Registrar.

Form No. 9 (Civil).

Rule 5, Chapter IX.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

Detailed statement of cost incurred in the preparation of the Paper-book

in

Appeal from Original Decree/Order No. _____ of 19 .

Appellant,

versus

Respondent.

Items of cost incurred by the Appellant/Respondent.	Costs claimed.		Costs passed by the Taxing Officer.	
	Rs.	a.	Rs.	a.
Estimating words at 10,000 per rupee ..				
Estimating maps/photos ..				
Examining words of manuscript at 1,200 words per rupee ..				
Editing pages at ten annas per page if the Paper-book is printed, and at five annas per page if a type Paper-book is prepared ..				
Editing maps/photos ..				
Taxing pages at one/two annas per page ..				
Postal charges for the service of— ..				
Total Government dues ..				
Translating words at 150 vernacular words per rupee, three figures being counted as one word ..				
Examining translations words at 300 vernacular words per rupee, three figures being counted as one word ..				
Copying words at 1,200 words per rupee ..				
Examining words of manuscript at 1,200 words per rupee ..				
Editing pages at eight annas per page if the Paper-book is printed, and at five annas per page if a type Paper-book is prepared ..				
Printing 64/24 or preparing 12 type-written copies of the Paper-book (actual charge) ..				
Lithographing, editing and tracing maps (actual charge) ..				
Cost of photos including editing (actual charge) ..				
Total ..				

Rupees

Court Editor.
Dated the 19 .

Advocate (who has filed the Declaration under Rule 34, Chapter IX, Appellate Side Rules).

Assistant Registrar
in charge of
Paper-books.

NOTICE.

To

‘Mr.—

Advocate for the Appellant/Respondent.

Rs. a.

Total amount deposited by Appellant /Respondent ..

Further amount to be deposited by your client in the above case within two weeks after service of this notice ..

Surplus amount available for refund to your client in the above case and will be paid upon application duly made to the Registrar ..

HIGH COURT, APPELLATE JURISDICTION,
CALCUTTA.

The _____ 19 .

Ledger Keeper.

Accountant.

Form No. 10 (Civil).

Rule 13, Chapter IX.

APPELLANT'S LIST.

Part I.

Paper other than exhibits and those included in the first paragraph of Rule 11/67, Chapter IX, of the Rules of the High Court, Appellate Jurisdiction, upon which the decision of the appeal depends and which the appellant desires to have included in Part I of the paper-book at his expense.

Appeal from the original Decree/Order No. _____ of 19____

versus

Appellant,

Respondent.

Under Rule 16/67, Chapter IX, of the Rules, this list should be filed by the Appellant within three weeks/one week after service of the notice required by Rule 12, Chapter IX.

Serial No.	Number on the record.	Description and date of paper.	Whether the whole or portion and, in case of a portion, what portion to be inserted in the paper-book.	Remarks.

Part II.

(The list of exhibits to be inserted in Part II of the Paper-book at the expense of the Appellant.)

The list of exhibits should follow the order of the exhibit mark. A correct and full description of such documents must be given.

Serial No.	Exhibit mark on the record.	Description and date of document.	Whether the whole or portion and, in case of a portion, what portion to be inserted in the paper-book.	Remarks.

I, _____, Advocate for the Appellant, do hereby certify that I have examined this list with reference to the provisions of Rule 25, Chapter IX, of the Rules of the High Court, Appellate Jurisdiction, and declare that in my judgment it is necessary to include in the paper-book of this appeal every document or portion of a document included in this list in order to arrive at a proper decision of the appeal.

The.....1933 .

Signature of Advocate for the Appellant.

Form No. 11 (Civil).
Rule 20, Chapter IX.

RESPONDENT'S LIST.

Part I.

(Paper other than those inserted in the Appellant's list, which are relevant to the subject-matter of the appeal, and to which the respondent desires that reference shall be made by the Court at the hearing of the appeal.)

Appeal from Original Decree/Order No.

of 19 .

versus

Appellant,

Respondent.

Under Rule 20/67, Chapter IX, of the Rules of the High Court, Appellate Jurisdiction, this list should be filed by the Respondent within three weeks / one week after service of the notice required by Rule 18, Chapter IX, and should contain the papers to be included, at the cost of such Respondent, in the paper-book of the above appeal.

Serial No.	Number on the record.	Description and date of paper.	Whether the whole or portion and, in case of a portion, what portion to be inserted in the paper-book.	Remarks.

Part II.

(The list of exhibits to be inserted in part II of the Paper-book at the expense of the Respondent.)

The list of exhibits should follow the order of the exhibit marks. A correct and full description of such documents must be given.

Serial No.	Exhibit mark on the record,	Description and date of document.	Whether the whole or portion and, in case of a portion, what portion to be inserted in the paper-book.	Remarks.

I, Advocate for the Respondent, do hereby certify that I have examined this list with reference to the provisions of Rule 25, Chapter IX, of the Rules of the High Court, Appellate Jurisdiction, and declare that in my judgment it is necessary to include in the paper-book of this appeal every document or portion of a document included in this list in order to arrive at a proper decision of the appeal.

The.....193

Signature of Advocate for the Respondent.

Form No. 12 (Civil).

Rule 21, Chapter IX.

Appeal from Original Decree/Order No. _____

of 19 ____

versus

Appellant,

Respondent.

Appeal valued at Rs. _____.

Estimate of cost for translating and printing, etc., the papers to be included in Parts I and II of the paper-book of the above appeal, i.e., the papers included in paragraph I of Rule 11/67, Chapter IX of the Rules of the High Court, Appellate Jurisdiction, and the papers as per List filed on behalf of the Appellant.

No. 48.

Page 185, Appendix I.—In Form No. 12 (Civil) after the word "estimate" in the last line of the paragraph beginning with the words "Under Rule" add the words "upon the Advocate."

(No. 48, Notification No. 11991G., dated the 14th September, 1937.)

Balance	..	..		
For copying words at half of the copying rates specified in Chapter XIII of the Appellate Side Rules	..	..		
.. examining words-of manuscript at half of the copying rates specified in Chapter XIII of the Appellate Jurisdiction Rules	..	..		
.. editing pages of the paper-book at 8 annas/10 annas a page if it is printed and at 5 annas a page if it is typed	..	..		
.. editing maps	..	..		
.. printing 24/64 copies of the paper-book at the rate of Re. 1-2 or Re. 1-6 a page	..	..		
.. lithographing, maps, etc., actual cost	..	..		
.. tracing maps	..	..		
.. taxing pages of the paper-book at two annas a page	..	..		
Total	..	..		
Grand Total	..	..		
Already deposited	..	..		
Balance	..	..		

Notes.—(1) The above rates are liable to alteration.

(2) The charge for editing includes the charge for indexing if the paper-book is printed, and that for stationery if the paper-book is typed.

(3) If the document to be translated is in any language other than the vernaculars of Bengal and Assam, a special rate may be fixed by the Registrar.

(4) Each item of cost in the preparation of the paper-book at the rates specified above is calculated to the nearest anna (fraction below half an anna being omitted and half an anna or over being reckoned as one anna).

Under Rule 22, Chapter IX of the Rules of the High Court, Appellate Jurisdiction, the amount due for estimating translations and examining translations [after deducting the amount of the initial deposit made under Rule 34(I), Chapter V] should be deposited with the Accountant of the Court within four weeks of the service of the estimate, and the whole of the remainder within eight weeks of the service of the estimate.

High Court :

The _____ 19____

Deputy Registrar.

To _____

Advocate for the Appellant.

Signature of Advocate for the Appellant _____

Date of service _____

Form No. 13 (Civil).

Rule 21, Chapter IX.

Appeal from Original Decree/Order No. _____

of 19 ____

versus

Appellant,

Respondent.

Appeal valued at Rs. _____

Estimate of cost for translating and printing, etc., the papers to be included in Parts I and II of the paper-book as per List filed on behalf of the Respondent.

	Rs.	a.	Rs.	a.
For estimating words at 10,000 words per rupee				
" " maps, photos				
" translating words at 150 vernacular words per rupee (three figures being counted as one word) ..				
" examining translations words at 300 vernacular words per rupee (three figures being counted as one word) ..				
Postal charges for the service of this estimate ..				
No. 49.				
<p><i>Page 186, Appendix I.</i>—In Form No. 13 (Civil) after the word "estimate" in the last line of the paragraph beginning with the words "Under Rule" add the words "upon the Advocate."</p> <p>(No. 49, Notification No. 11991G., dated the 14th September, 1937.)</p>				
if it is typed				
" editing maps				
" printing 24/64 copies of the paper-book at the rate of Re 1-2 or Re. 1-6 a page				
" lithographing, maps, etc., actual cost				
" tracing maps				
" taxing pages of the paper-book at two annas a page				
Total ..				
Grand Total ..				

Note.—(1) The above rates are liable to alternation.

(2) The charge for editing includes the charges for indexing if the paper-book is printed, and that for stationery if the paper-book is typed.

(3) If the document to be translated is in any language other than the vernaculars of Bengal and Assam, a special rate may be fixed by the Registrar.

(4) Each item of cost in the preparation of the paper-book at the rates specified above is calculated to the nearest anna (fraction below half an anna being omitted and half an anna or over being reckoned as one anna).

Under Rule 22, Chapter IX of the Rules of the High Court, Appellate Jurisdiction, the amount due for estimating, translating and examining translations should be deposited with the Accountant of the Court within four weeks of the service of the estimate, and the whole of the remainder within eight weeks of the service of the estimate.

High Court:

The _____ 19 ____

Deputy Registrar.

To

Advocate for the Appellant.

Signature of Advocate for the Respondent _____

Date of service _____

Form No. 14 (Civil).
Rule 59, Chapter IX.

No. 116.

Page 187, Appendix I, Form No. 14 (Civil)—

Substitute the following for the Form:—

“Form No. 14 (Civil).

Rules 33 and 33A, Chapter V.

The following First/Second appeals from Orders/Decrees
Cross-Objections
have been registered on.....19.....:—

Serial No.	Appeal No. and year.	Name of first <u>Appellant</u> <u>Cross-Objector.</u>	Name of <u>Appellant's</u> <u>Cross-Objector's</u> Advocate.
1	2	3	4

High Court, Appellate Side,

Calcutta;

Superintendent F.A. Section”.

The 19 .

(No. 116, Notification No. 13G., dated the 3rd January, 1941.

File No. 4B—68 of 1940.)
Rule 66, Chapter IX.

No. 50.

Page 187, Appendix I.—*Substitute* the following for Form No. 15 (Civil):—

Form No. 15 (Civil).
Rule 66, Chapter IX.

General Warning List.

The following appeals are ready for hearing and will be transferred to the Weekly Cause List on the expiration of fourteen days from the date of this List:—

Serial No.	No. and year of Appeal.	Advocate for Appellant.	Advocate for Respondent.	Remarks.
1	2	3	4	5

Form of
APPLICATION FOR COPY.

Form No. 16 (Civil).
Rule 19, Chapter XIII.

Space for Searching-
fee.

Two annas Court-fee
stamp on
application.

Space for Expedition-
fee.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL

Appellate Jurisdiction.

Serial No.

Application for urgent
ordinary copy.

.....No.

of 19 ..

*Here state class of
case, e.g., S.A.,
Civil Rule, etc.

.....Appellant.
Petitioner.

versus

.....Respondent
Opposite party

Description of document of which
a copy is wanted, with date when
necessary.

Application is made by....., the
undersigned for certified
uncertified copy of the marginally noted
document from the High Court
Lower Court file in the above case
which was disposed of
is still pending on.....

The following stamps and stamp-sheets are filed.

Date

19 ..

Signature of applicant.

<i>Office Report.</i>	<i>Estimate of Costs.</i>	<i>Estimated stamps, etc.,</i>
The copy will cover sheets.	(Excluding stamps and stamp-sheets filed.)	notified on ..
		Estimated stamps, etc., supplied on ..
		Applicant's signature ..
		Record received on ..
		Copy will be ready on ..
		Copy actually ready on ..
		Copy delivered on ..
Searching-fee <u>is</u> <u>is not</u> required.	Rs. a. p. Stamp-sheets at 4 annas .. Court-fee stamps at 4 annas .. Court-fee stamps at 8 annas .. Stamp for authentication .. Extra stamp for urgency .. Searching-fee in stamps .. Total ..	
Superintendent.	Superintendent, Copying Section.	

Serial No.

Received an application for copy bearing the
above number

Estimated stamps and stamp-sheets valued
at Rs. annas supplied on 19

To attend for copy on 19 ..

Date 19 .. Superintendent.

Received copy on 19 with unused
stamps and stamp-sheets valued
at Rs. annas

Applicant,

NOTE.—The application will not be considered as complete until stamps and costs have been supplied in full, which must be done within seven days of the date of the estimate. All enquiries and complaints shall be accompanied by this counterfoil. It will have to be given up when the copy is delivered.

Form No. 17 (Civil).

Rules 25 and 29, Chapter XIII.

Register of information to applicants as to stamps and folios necessary for copies applied for.

Date of entry in this Register.	Serial number of application.	Case number.	Name of applicant.	To be supplied within 7 days.					Remarks.
				Number of impressed stamp-sheets at 4 annas.	Number of adhesive stamps at 4 annas.	Fee for authentication.	Searching fee.	Expedition-fee.	
						Rs. a. p.	Rs. a. p.	Rs. a. p.	

Form No. 18 (Civil).

Rule 4(2), Chapter XIV.

Register of recognised Clerks employed by Advocates of the High Court.

Register No.	Name of Recognised Clerk.	Father's name.	Residence of Recognised Clerk.	Date of Registration.	Name of Advocate by whom employed.	Remarks.

Form No. 19 (Civil).

Rule 4 (2), Chapter XIV.

[NOT TRANSFERABLE.]

Register No.....

HIGH COURT.**APPELLATE JURISDICTION.****Pass for Advocate's Clerks.**

Issued to....., Clerk to

....., Advocate.

Registrar.

This card should be produced when required and
must be returned for renewal on 19 .

Form No. 20 (Civil).
Rule I, Chapter XV.

IN THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.

(CIVIL APPELLATE JURISDICTION.)

TITLE-PAGE.

Part I.

(This file must be preserved for ever.)

Appeal from.....No.....of 19 .

.....*Appellant,*

versus

.....*Respondent.*

Date of decision of High Court.....

Date of decision of Privy Council.....

Form No. 20 A (Civil).
Rule I, Chapter XV.

IN THE HIGH COURT OF JUDICATURE AT FORT
WILLIAM IN BENGAL.

22

No. 206.

PAGE 191, FORMS NOS. 20 AND 20A (CIVIL), APPENDIX I TO THE APPELLATE
SIDE RULES—

After the words "His Majesty in Council" and "Privy Council" add
the words "or the Federal Court".

[No. 266—Notification No. 1081G., dated the 8th February, 1949.
File No. 1M—191 of 1947.]

.....*Appellant,*

versus

.....*Respondent.*

Date of decision of High Court.....

Date of decision of Privy Council.....

Form No. 21 (Civil).
Rule 2, Chapter XVI.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.
Civil Appellate Jurisdiction.

- (1) Sal No. and date of application.
- (2) Date when requisition for the record made by the Inspection Clerk [same date as in item (1) above].
- (3) Date of receipt of record by Inspection Clerk [3 days from the date mentioned in item (2) above].

Searching-fee Re. 1 in Court-fee
Stamp vide Rule 7, Ch. XII,
A. J. Rules.

Inspection fee Re. 1 or Rs. 5
as the case may be vide Rule
7, Ch. XII, A. J. Rules.

Application for inspection of the record in the undermentioned

Pending
Disposed of

 case

Description of case.	Number.	Year.	Description of the papers of which inspection is required.	Name of person or persons who will inspect the record (not exceeding three) including the Inspecting Advocate.

The

19

Signature of the Advocate for the

NOTE.—If the applicant is a stranger or a party appearing in person in a case, he must say so in the application.

Form No. 23 (Civil).
Rule 15 and 16, Chapter XVI.

APPLICATION FOR INFORMATION.

Serial No.....

Space for searching fee.

*Re	<u>Appeal</u> <u>Rule</u> <u>Revision</u>	No.	19 .
		<u>District</u> <u>Province</u>	

1. *Nature of Information required

*The 19 . *Signature of Applicant.**

2. Date when the Applicant will call for the information :—

3. Office report re: information :—

The 19 . *Signature of officer supplying the information.*

4. Information received on

The 19 . *Signature of Applicant.*

To be perforated.

*Re.	<u>Appeal</u> <u>Rule</u> <u>Revision</u>	No.	of 19 .
------	---	-----	---------

5. Date by which information is to be ready.....

6. Information—

Supplied on.....

*To be filled in by the Applicant.

Signature of officer supplying the information.

NOTE.—A searching fee will be charged on all applications, if the information required will necessitate a search in the record room of record of the appeal or proceedings from which the information can be obtained.

Form No. 23 (Civil).**Rule 2, Chapter XVII.**

To

The Registrar,

Appellate Jurisdiction, High Court.

Calcutta, the.....day of.....19.....

Challan No.....

Sir,

I beg to tender this challan for depositing the undernoted amount for credit of the account of which the details are noted below:—

No. of Appeal:—F. A., M. A., S. A., P. C. A., Rule,.....of 19....

Name of person on whose behalf the money is tendered:.....

Particulars of deposit:.....

Amount tendered (in words).....Rs.....A.....P.....

*Advocate for Appellant/Respondent.***Personal Ledger Account.**

Challan No.....

High Court,

Appellate Jurisdiction.

The.....day of.....19.....

To

Reserve Bank of India

(Public Accounts Department).

No. of Appeal:—F. A., M. A., S. A., P. C. A., Rule,.....of 19.....

Rs.....

Please receive from.....Advocate for Appellant/Respondent on account of.....the sum of Rupees.....for credit of the Accountant-General, Bengal, with the account of the Registrar, Appellate Jurisdiction, High Court, if tendered to you to-day.

*Accountant.***Receipt.**

Challan No.....

Reserve Bank of India,
Public Accounts Department.

Calcutta,.....19.....

No. of Appeal:—F. A., M. A., S. A., P. C. A., Rule,.....of 19....
Rs.

Received from.....Advocate for Appellant/Respondent the sum of Rupees.....as per High Court Challan No.....19.....19....., for credit of the Accountant-General, Bengal, with the account of the Registrar, Appellate Jurisdiction, High Court

Superintendent.

Form No. 24 (Civil).Rule 9, Chapter XVII.

To

THE REGISTRAR, HIGH COURT, APPELLATE JURISDICTION

Re.....Appeal No.of 19 .

.....*Appellants,**versus*.....*Respondents.*

Sir,

Please allow me to withdraw the sum of Rs.....
 being the surplus amount on account of the cost of preparation of paper-book
 in the above appeal deposited on behalf of the Appellants/Respondents....

 I am authorised by the *vakalatnama* filed by me to withdraw the money.

I have the honour to be,

Sir,

Your most obedient servant,

*Advocate for the Appellants/ Respondents.**Dated the.....19....*

APPEAL No.....OF 19

.....Advocate for the
 Appellants/Respondents, is authorised by the *vakalatnama* filed by him
 to withdraw money from this Court on behalf of the Appellants/Respondents
 mentioned in his application.

Superintendent,.....Section.

Certified that a sum of Rs.....(Rupees.....
 annas.....pies.....only) is due for refund to the
 Appellants/Respondents
 in the above appeal and that there is no stop order in force affecting the
 refund.

Accountant.

Refund the sum of Rupees.....annas.....pies.....
 only to the Appellants/Respondents through his/their Advocate.....

Assistant Registrar.

No. 110.

Page 196 Appendix I

No. 267.

PAGE 196,

- (i) FORM No. 25 (CIVIL), APPENDIX 1 TO THE APPELLATE SIDE RULES, AS INTRODUCED BY CORRECTION SLIP No. 176—

Insert the words "Under section 205 of the Government of India Act, 1935", *below* the words "Petition of Appeal to the Federal Court".

- (ii) FORMS Nos. 26-28 (CIVIL), APPENDIX 1 TO THE APPELLATE SIDE RULES, AS INTRODUCED BY CORRECTION SLIP No. 176—

Insert the words "Under section 205 of the Government of India Act, 1935", *below* the words "Appeal to the Federal Court".

[No. 267—Notification No. 1081G., dated the 8th February, 1949.
File No. 1M—191 of 1947.]

Decree/Order No. of 19 .)

Petitioner to the Federal Court,

versus

Opposite Party.

To

The abovenamed Opposite party.

Take notice that a certificate having already been granted under section 205(I) of the Government of India Act, 1935, the abovenamed Petitioners to the Federal Court have applied to this Court for a further certificate that, as regards amount, or value and nature the above case fulfils the requirements of section 110 of the Code of Civil Procedure, 1908, or that it is otherwise a fit one for appeal to the Federal Court.

(Vernacular translation to appear in this half.)

The day of 19 is fixed for you to show cause why the Court should not grant the certificate asked for.

Given under my hand and the seal of the Court this day of 19 .

APPENDIX II.

FORMS.

(Criminal).

(Only such criminal forms as are specifically mentioned in these Rules have been incorporated in this Appendix).

Form No. 1 (Criminal).

Rule 11, Ch. XI.

No.

Cr.

FROM

THE REGISTRAR OF THE HIGH COURT
OF JUDICATURE AT FORT WILLIAM IN BENGAL,
Appellate Jurisdiction.

To

THE MAGISTRATE OF THE DISTRICT OF

Dated Calcutta, the

19

Jury Reference No.

of 19

HIGH COURT,
CRIMINAL.

*The Emperor
versus

Charged under
section of the
Indian Penal
Code.

SIR,

I am directed to inform you that the case noted in the margin,
which has been submitted to the High Court by the
Sessions Judge of under Section 307 of Act V of
1898, with a view to setting aside the verdict of the
Jury before whom the accused-prisoner was tried, has
been set down for hearing on the , 19 ,
Accused. or as soon thereafter as the business of the Court will permit, and to
request that you will give notice accordingly to the accused-prisoner,
intimating to me hereon that you have done so.

2. The material exhibits of the case, if any, need not be sent until
called for by the Court.

I have the honour to be,

Sir,

Your most obedient servant,

Registrar.

Memo. No.

Cr.

Copy forwarded to the Superintendent and Remembrancer of
Legal Affairs for his information.

By order of the High Court,

HIGH COURT,
Appellate Jurisdiction,
CRIMINAL SECTION,
The , 19

Registrar.

Form No. 2 (Criminal).

Rule 11, Ch. XI.

No.

Cr.

FROM

THE REGISTRAR OF THE HIGH COURT OF
JUDICATURE AT FORT WILLIAM IN BENGAL,
Appellate Jurisdiction.

To

THE MAGISTRATE OF THE DISTRICT OF

Dated Calcutta, the 19 .

(Death reference No. and Appeal No. of 19 .)

HIGH COURT.

CRIMINAL.

SIR,

The Sessions Judge of having referred to this Court for confirmation under Section 374 of the Code of Criminal Procedure, the proceedings of his Court, dated the of , 19 , convicting son of of murder and sentencing to death under Section 302 of the Indian Penal Code, I am to request that you will inform the prisoner that the reference has been set down for hearing on the of 19 , or as soon thereafter as the business of the Court will permit and along with which the appeal which has been/may be preferred by will also be heard and disposed of.

2. You are also requested to intimate to me hereon that notice has been served as directed.

I have, etc.,

Registrar.

Memo. No.

Cr.

Copy forwarded to the Superintendent and Remembrancer of Legal Affairs for his information.

By order of the High Court,

HIGH COURT,
Appellate Jurisdiction,
CRIMINAL SECTION,
The , 19

Registrar.

Form No. 4 (Criminal).**Under Rules 11 and 20, Chapter XI.****No.****Cr.****FROM**

**THE REGISTRAR OF THE HIGH COURT OF
JUDICATURE AT FORT WILLIAM IN BENGAL,
*Appellate Jurisdiction.***

TO**THE DISTRICT MAGISTRATE OF***Dated Calcutta, the 19 .***(Appeal No. of 19 .)****SIR,****HIGH COURT.****CRIMINAL****Precept :****Hon'ble Mr.
Justice****and
Hon'ble
Justice
Appeal of
victed under
ion****enced by the
, 19 .**

Under section 422 of the Code of Criminal Procedure, I am directed to forward herewith a copy of the Court's order, dated the 19 and to inform you that the case marginally* noted is set down for hearing on the day of , 19 , or as soon thereafter as the business of the court will permit and to request that you will give notice thereof to the appellant,—intimating to me hereon that you have done so.

Appellants,**of the I. P. C. and****Sessions Judge of on the****I have, etc.,*****Registrar.*****Memo. No.****Cr.**

Copy forwarded to the Sessions Judge of for his information and with a request that he will forward the papers of the case, including the Magistrate's commitment record, at once. Should they not be despatched so as to reach this office on or before the 19 , an explanation of the delay should be given.

2. The material exhibits of the case, if any, need not be sent until called for by the Court.

By order of the High Court,

**HIGH COURT,
Appellate Jurisdiction,
CRIMINAL SECTION,
The , 19 .**

Registrar.**Memo. No.****Cr.**

Copy, together with a copy of the Court's order, dated the 19 , forwarded to the Superintendent and Remembrancer of Legal Affairs, Bengal, for his information.

By order of the High Court,

**HIGH COURT,
Appellate Jurisdiction,
CRIMINAL SECTION,
The 19 .**

Registrar

Form No. 5 (Criminal).Rules 11 and 20, Ch. XI.

No.

Cr.

FROM

THE REGISTRAR OF THE HIGH COURT OF
JUDICATURE AT FORT WILLIAM IN BENGAL,

TO

THE MAGISTRATE OF THE DISTRICT OF

Dated Calcutta, the , 19
(Appeal No. of 19 .)

SIR,

HIGH COURT.

CRIMINAL.

Present :

The Hon'ble Mr.
Justice

and

The Hon'ble
Mr. Justice*Appeal of
Appellants.Convicted under
sectionI. P. C. and
sentenced by the
Sessions Judge

of

on the
, 19 .

Under Section 422 of the Code of Criminal Procedure, I am directed to forward herewith a copy of the Court's order, dated the , 19 , and to inform you that the case marginally* noted is set down for hearing on the of , 19 or as soon thereafter as the business of the Court will permit. As the appellant is confined in the Jail, the District Magistrate of has been requested to have the notice served upon I have, etc.,

Registrar.

Memo. No.

Cr.

Copy forwarded to the District Magistrate of , with a request that he will have notice of the date fixed for hearing the appeal served upon the appellant, and intimate to this office hereon that he has done so.

HIGH COURT,
Appellate Jurisdiction,
CRIMINAL SECTION,

The , 19 .

By order of the High Court,

Registrar.

Memo. No.

Cr.

Copy forwarded to the Sessions Judge of for his information and with a request that he will forward the papers of the case including the Magistrate's commitment record at once. Should they not be despatched so as to reach this office on or before the , 19 , an explanation of the delay should be given.

2. The material exhibits of the case, if any, need not be sent until called for by the Court.

By order of the High Court,

HIGH COURT,
Appellate Jurisdiction,
CRIMINAL SECTION,

The , 19 .

Registrar.

Memo. No.

Cr.

Copy, together with a copy of the Court's order, dated the 193 , forwarded to the Superintendent and Remembrancer of Legal Affairs for his information.

HIGH COURT,
Appellate Jurisdiction,
CRIMINAL SECTION,

The , 19 .

By order of the High Court,

Registrar.

Rule 8, Ch. XI.

Criminal No. of 19 .

For Opposite party/for the Crown. .

(7) that the sentence(s) passed on him/them has/have been altered to

Dated the 19 .

* Strike out if not required.

Form No. 12 (Criminal).

Rule 11, Ch. XI.

No.

Cr.

FROM

THE REGISTRAR OF THE HIGH COURT OF
JUDICATURE AT FORT WILLIAM IN BENGAL,
APPELLATE JURISDICTION,

To

THE DISTRICT MAGISTRATE OF

Dated Calcutta, the 19 .

HIGH COURT

(CRIMINAL)

(Government Appeal No. 19 .)

Present : SIR,

The Hon'ble Mr.
JusticeThe Hon'ble Mr.
JusticeThe Government
of
Appellant,

versus

Respondent,

Convicted of an
offence under
SectionI. P. C. by the
Magistrate of
on the19 , and acquit-
ted on appeal by
the Sessions
Judge of—on
the 19 .

With reference to the accompanying copy of the petition of appeal,
filed by the Superintendent and Remembrancer
of Legal Affairs, Bengal, on behalf of the Govern-
ment of Bengal/Assam, under Section 417 of the
Code of Criminal Procedure, in connection with
the case noted on the margin, I am directed to
forward herewith a copy of the Court's order, dated
the , 19 , and to inform you under
Section 422 of the said Code that the appeal has
been set down for hearing on the , 19 ,
or as soon thereafter as the business of the Court
will permit, and to request that you will give notice
thereof to the respondent
intimating to me hereon that you have done so.

I have, etc.,

Registrar.

Memo. No.

Cr.

Copy forwarded to the Sessions Judge of
for his information.

By order of the High Court,

HIGH COURT,

Appellate Jurisdiction:

CRIMINAL SECTION,

The , 19 .

Registrar.

Memo. No.

Cr.

Copy, together with a copy of the Court's order, dated the
19 , forwarded to the Superintendent and Remembrancer of
Legal Affairs, Bengal, for his information.

By order of the High Court,

HIGH COURT,

Appellate Jurisdiction :

CRIMINAL SECTION,

The , 19 .

Registrar.

Form No. 40 (Criminal).Rule 1, Chapter XV.

**IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN
BENGAL.**

(Criminal Appellate Jurisdiction.)

Appeal No. _____ *of 19* ()

THE EMPEROR

versus

Appellants.

TITLE PAGE

PART I

(This file must be preserved for ever.)

Date of decision of High Court _____

Date of deposit in the Record Room _____

Form No. 41 (Criminal).Rule 1, Chapter XV.

**IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN
BENGAL.**

(Criminal Appellate Jurisdiction.)

TITLE PAGE.

PART II.

(This file must be destroyed at the end of 3 years.)

The above period shall be calculated from the date of the final order.

Appeal No. _____ *of 19* .

THE EMPEROR

versus

Appellant.

Date of decision of High Court _____

Date of deposit in the Record Room _____

**Form No. 42 (Criminal).
Rule 1, Chapter XV.**

**IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN
BENGAL.**

(Criminal Appellate Jurisdiction.)

Civil Revision No. _____ of 19 _____

Petitioners.

versus

_____ Opposite party.

TITLE PAGE.

PART I.

(This file must be preserved for ever.)

Date of decision of High Court _____

Date of deposit in the Record Room _____

**Form No. 43 (Criminal).
Rule 1, Chapter XV.**

**IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN
BENGAL.**

(Criminal Appellate Jurisdiction.)

Civil Revision No. _____ of 19 _____

Petitioners,

versus

_____ Opposite party.

TITLE PAGE.

PART II.

(This file must be destroyed at the end of 3 years.)

The above period shall be calculated from the date of the final order.

Date of decision of High Court _____

Date of deposit in the Record Room _____

Form No. 44 (Criminal).Rule 1, Chapter XV.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

(Criminal Appellate Jurisdiction.)

Revision No. _____ of 19 _____ (_____
 _____ Petitioners,
versus
 _____ Opposite party.

TITLE PAGE.

PART I.

(This file must be preserved for ever.)

Date of decision of High Court _____

Date of deposit in the Record Room _____

Form No. 45 (Criminal).Rule 1, Chapter XV.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

(Criminal Appellate Jurisdiction.)

Revision No. _____ of 19 _____
 _____ Petitioners,
versus
 _____ Opposite party.

TITLE PAGE

PART II.

(This file must be destroyed at the end of 3 years.)

The above period shall be calculated from the date of the final order.

Date of decision of High Court _____

Date of deposit in the Record Room _____

Form No. 48 (Criminal).
Rule 1, Chapter XV.

**IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN
 BENGAL.**

(Criminal Appellate Jurisdiction.)

Reference under Section 307, Code of Criminal Procedure.

No. of 19 ().

THE EMPEROR

versus

_____, *Accused.*

TITLE PAGE.

PART I.

(This file must be preserved for ever.)

*Date of decision of High Court*_____

*Date of deposit in the Record Room*_____

Form No. 49 (Criminal).
Rule 1, Chapter XV.

**IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN
 BENGAL.**

(Criminal Appellate Jurisdiction.)

Reference under Section 307, Code of Criminal Procedure.

No. of 19 ().

THE EMPEROR

versus

_____, *Accused.*

TITLE PAGE.

PART II.

(This file must be destroyed at the end of 3 years.)

The above period shall be calculated from the date of the final order.

*Date of decision of High Court*_____

*Date of deposit in the Record Room*_____

Form No. 50 (Criminal).
Rule 1, Chapter XV.

**IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN
 BENGAL.**

(Criminal Appellate Jurisdiction.)

Reference under Section 374, Code of Criminal Procedure.

No. and Appeal No. of 19 .

THE EMPEROR.

versus

_____, *Accused.*

TITLE PAGE.

PART I.

(This file must be preserved for ever.)

*Date of decision of High Court*_____

*Date of deposit in the Record Room*_____

Form No. 51 (Criminal).
Rule 1, Chapter XV.

**IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN
 BENGAL.**

(Criminal Appellate Jurisdiction.)

Reference under Section 374, Code of Criminal Procedure.

No. and Appeal No. of 19 .

THE EMPEROR.

versus

_____, *Accused.*

TITLE PAGE.

PART II.

(This file must be destroyed at the end of 3 years.)

The above period shall be calculated from the date of the final order.

*Date of decision of High Court*_____

*Date of deposit in the Record Room*_____

Form No. 52 (Criminal).Rule 1, Chapter XV.IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN
BENGAL.*(Criminal Appellate Jurisdiction.)*

Reference under Section 438, Code of Criminal Procedure.

No. _____ of 19 ____.

_____, *Complainant,**versus*_____, *Accused.*

TITLE PAGE.

PART I.

*(This file must be preserved for ever.)**Date of decision of High Court* _____*Date of deposit in the Record Room* _____Form No. 53 (Criminal).Rule 1, Chapter XV.IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN
BENGAL.*(Criminal Appellate Jurisdiction.)*

Reference under Section 438, Code of Criminal Procedure.

No. _____ of 19 ____.

_____, *Complainant,**versus*_____, *Accused.*

TITLE PAGE.

Part II.

(This file must be destroyed at the end of 3 years.)

The above period shall be calculated from the date of the final order.

Date of decision of High Court _____*Date of deposit in the Record Room* _____

Form No. 57 (Criminal).Rule 42, Chapter XI.**FORM OF WARRANT.****IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL****Appellate Criminal Jurisdiction.**

To the officer in charge of (name of jail or lunatic asylum or other place, where the person is detained in custody) or to (name of person).

You are hereby required to have the body of B. C. now a prisoner in your custody (or now in your custody) before the High Court, on its Appellate Side on the day of next, by of the clock in the forenoon of the same day to be dealt with according to law and you shall then and there abide by such order as shall in that behalf be made by the said Court (if the prisoner is detained in public custody add) and unless the said B. C. shall then and there, by the said Court, be ordered to be released, you shall, after the said Court shall have dispensed with his further attendance, cause him to be conveyed, under safe and sure conduct, back to the said (jail or asylum or other place of custody).

Dated this day of 19 .

Deputy Registrar.

Form No. 58 (Criminal).Rule 42, Chapter XI.**FORM OF WARRANT.****IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL****Appellate Criminal Jurisdiction.**

To the officer in charge of the (name of jail), or of the (name of asylum), or to (name of officer) in charge of B. C. an alleged lunatic.

You are hereby required to have the body of B. C. now a prisoner in the (name of jail) or now in custody at the (name of jail) or now in custody at the (name of asylum) or now in your charge, under safe and sure conduct before the High Court, on its Appellate Side, on the day of next, by of the clock in the forenoon of the same day there to be dealt with according to law, and unless the said B. C. shall then and there by the said Court be ordered to be discharged, cause him, after the said Court shall have dispensed with his further attendance, to be conveyed under safe and sure conduct, back to the said jail (or asylum or other custody).

Dated this day of 19

Deputy Registrar.

Form No. 59 (Criminal).Rule 42, Chapter XI.**FORM OF WARRANT.****IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.****Appellate Criminal Jurisdiction.**

To the officer in charge of the (name of jail).

You are hereby required to have the body of B. C. now a prisoner in the (name of jail), under safe and sure conduct before the High Court, on its Appellate Side, on the day of next, by of the clock in the forenoon of the same day, there to give testimony in a certain charge or prosecution now pending before the said Court against D. E. and after the said B. C. shall then and there have given his testimony before the said Court, or the said Court shall have dispensed with his further attendance, cause him to be conveyed, under safe and sure conduct, back to the said (name of jail).

Dated this day of 19

Deputy Registrar.

Form No. 60 (Criminal).Rule 42, Chapter XI.**FORM OF WARRANT.****IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.****NGAL.**

Page 212, Form No. 60(Criminal), Appendix II—

Omit the words "acting under the authority of a commission from the Governor-General in Council" in lines 3 and 4.

(No. 96, Notification No. 1212G., dated the 30th January, 1939.)

T. H. ELLIS,

Registrar.

HIGH COURT,

APPELLATE SIDE.

The 15th March, 1939.

in the
at a
of a
of
of the
before
the
shall
for the
Commissioners)
cause him to be conveyed,
conduct, back to the said (name of jail).

Dated this day of 19

Deputy Registrar.

Form No. 61 (Criminal).

Rule 42, Chapter XI.

FORM OF WARRANT.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

Appellate Criminal Jurisdiction.

To the officer in charge of the (name of jail).

You are hereby required to cause the body of B. C. now a prisoner in the (name of jail) to be conveyed, under safe and sure conduct, to the jail at and on or before the day of , made over to the officer in charge of such jail, to be by him there kept in intermediate custody for the purpose of trial before the High Court in the exercise of Appellate Criminal Jurisdiction at its next sittings to be held at (name of place).

Dated this day of 19

Deputy Registrar.

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